

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No.689 of 2020

- Smt. Mohini Gupta, W/o Shree Laxminarayan Gupta, Aged About 38 Years, R/o Ward No.42, Sonkar Para, Nandai Chowk, District Rajnandgaon, Chhattisgarh

----- Petitioner

Versus

- 1.State Of Chhattisgarh Through Its Secretary, Department Of Home (Jail), Mahanadi Bhavan, Mantralay, Naya Raipur, District Raipur, Chhattisgarh
- 2.The Jail and Correctional Services Chhattisgarh, the Director General Prisons, Jail Road, Raipur, District Raipur, Chhattisgarh
- 3.Jail Superintendent, Central Jail, District Durg, Chhattisgarh
- 4.District Magistrate, District Durg, Chhattisgarh

----- Respondents

For Petitioner	Mr. Parag Kotecha, Advocate
For Respondent-State	Mr. R. K. Bhagat, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

11/02/2021

1. Learned counsel for the petitioner would submit that the application of petitioner's husband for grant of leave on parole for 10 days has been rejected by the District Magistrate, Durg simply on the ground that the Superintendent of Jail,

Durg has not recommended for release of the husband of the petitioner on leave. Therefore, the application be allowed in light of the decision of this Court in the matter of **Rakesh Shende vs State of Chhattisgarh**, passed in WPCR No.29/2016, decided on 18.11.2016.

2. Learned State counsel would oppose the prayer.
3. I have heard learned counsel for the parties and perused the record.
4. The respondent No.4 has not considered the case of the petitioner according to Rule 5, 6 & 7 of the Chhattisgarh Prisoner's Leave Rules, 1989 and in light of the decision rendered by this Court in the matter of **Rakesh Shende** (supra). In view of the above stated submission, the impugned order is set aside and the matter is remitted back to the respondent No.4 to consider and decide the application of the petitioner's husband within 15 days from the date of receipt of copy of this order.
5. The writ petition stands disposed off. No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge

Nirala