

04.08.2022
sayandeep
Sl. No. 05
Ct. No. 05

WPA 16663 of 2022

Karan Sinha
-Versus-
The State of West Bengal & Ors.

Mr. Malay Bhattacharyya
Mr. Dibakar Sardar
Mr. Subhrajyoti Ghosh
Ms. Shefa Mondal

.....for the petitioner

Mr. Debasish Ghosh
Mr. Debraj Sahu

.....for the State

The petitioner prays for release under Section 61(2) of the West Bengal Correctional Services Act, 1992. The petitioner has admittedly been in custody for 24 years; 22 years now after remission of sentence.

Learned counsel appearing for the State relies on an order passed by the State Sentence Review Board on 14.07.2021 by which the petitioner's application for early release was rejected. Counsel however fairly submits that since more than a year has passed from the said decision, the authorities may be directed to consider the case of the petitioner for early release.

Learned counsel appearing for the petitioner places several documents to show that the petitioner has been awarded Certificates for good conduct and has

also acquired a qualification in Computer Applications during his period of custody.

Section 61 of the 1992 Act provides that every prisoners shall be released from the Correctional Home on the particular date on which his release becomes due. Section 61(2) provides that prisoners shall also be released on receipt by the Superintendent of any order of release made by any competent Court or by the State Government. Section 61(2)(i) of the Act further provides that a convicted prisoner, other than a prisoner referred to in Section 61(4) of the Act, is entitled to release on parole if the prisoner has undergone continuous imprisonment in the Correctional Home for a period of 14 years including the period of release on parole and remission.

Having regard to the mandatory obligation is cast on the State authorities to act in terms of the 1992 Act, WPA 16663 of 2022 is disposed of with the direction on the State authorities to consider the case of the petitioner with reference to the relevant provisions of the Act as also the order passed by the Supreme Court on 07.07.2017. The fact that the petitioner has been awarded Certificates for good conduct and has also acquired qualification in Computer Applications should be relevant considerations. The Additional Director General and Inspector General of Correctional Services,

West Bengal is hence directed to consider and dispose of the case of the petitioner within a period of three weeks as prayed for. A copy of the decision shall be communicated to the petitioner within a period of one week from the date on which the decision is taken.

(Moushumi Bhattacharya, J.)