

11.08.2022

sayandeep

Sl. No. 10

Ct. No. 05

WPA 17015 of 2022

Sayed Darain Ahsan @ Darain

-Versus-

State of West Bengal & Ors.

Mr. Arka Pratim Chowdhuri

Mr. Sunny Nandy

Mr. Subha Pathak

..... for the petitioner

Mr. Debasish Ghosh

Mr. Domingo Gomes

.....for the State

The petitioner has been incarcerated for the last 21 years and is aggrieved by an order dated 15th November, 2021 passed by the Principal Secretary, Judicial Department, Government of West Bengal by which the petitioner's prayer for premature release/reprieve has been rejected. The ground given for such rejection is that the victim's family has objected to the petitioner's release. The ground also states that releasing the petitioner may result in the possibility of recurrence of the crime committed in future.

Learned counsel appearing for the petitioner places certificates of good conduct while in custody which is after the impugned order. The statement shows that there was no complaint received against the petitioner during the period of parole and that the petitioner has maintained good character.

Considering the facts, the offer made on behalf of the State is accepted by the Court.

WPA 17015 of 2022 is disposed of with the direction on the respondent No. 2 being the Secretary, Judicial Department, Government of West Bengal to reconsider the decision made on 15th November, 2021 and take a fresh decision upon considering the certificate of good conduct given in favour of the petitioner. The Secretary is requested to complete the exercise within a period of six weeks from today. The petitioner shall be given a copy of the reasoned order within a week from the date on which such reasoned order is passed.

(Moushumi Bhattacharya, J.)