

19.09.2022
Court No.13
Item No.9
AP

WPA 20338 of 2022

**Ashabuddin alias Soukat
Vs.
The State of West Bengal & Ors.**

Mr. Giasul Islam

... For the Petitioner.

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu

... For the State.

The petitioner is serving a sentence for life for offences under Sections 364A/307/34 of the Indian Penal Code and Sections 25/27 of the Arms Act. He has completed about 21 years 8 months of his sentence. He prays for parole and remission of sentence. It is submitted that the petitioner was granted a parole for 15 days in the year 2013.

Counsel for the State, Mr. Sen submits by placing a decision of the 67th Meeting of State Sentence Review Board, West Bengal held on 5th April 2022 that the Board has considered the petitioner's prayer for remission of sentence and premature release and has declined the same owing to unsatisfactory conduct of the petitioner during incarceration. The petitioner was punished on several occasions for unsatisfactory actions.

It is also submitted that the petitioner was an associate of the notorious criminal Aftab Ansari. His parole has been opposed by the Haryana Police.

In these circumstances, this Court is of the view that the State has taken all the necessary steps to consider the parole and premature release of the petitioner and has declined the same for sufficient reasons.

Mr. Sen has placed reliance on a decision of the Supreme Court in the case of ***Asfaq Vs. State of Rajasthan and Ors.*** reported in ***(2017) 15 SCC 55***. By reference to paragraphs 19 and 20, it is submitted that parole and premature release are not absolute rights.

After having discussed the public element involved in the release of prisoners on parole or remission of sentence, the Supreme Court has carved out exceptions in the aforesaid paragraphs.

Having heard learned counsel for the petitioner and the State, this Court is of the view that there is no infirmity in the action of the State having declined the parole and remission of sentence of the petitioner.

Indeed, as submitted by Mr. Sen that in terms of Clause 6 of the National Human Rights Commission guidelines dated 20th October 1999 on premature release of prisoners undergoing sentence particularly Clause 6.4 of the National Human Rights Commission, that the petitioner may apply for premature release now only after expiry of one year from 5th April 2022.

In these circumstances, no relief can be granted to the petitioner.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)