

7.11.2022

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Circuit Bench of Calcutta High Court
At Jalpaiguri

WPA 2143 of 2022
Boby Tamang @ Dolma Bhutia
Vs.
State of West Bengal & Ors.

Mr. Jaydeep Kanta Bhowmik
... For the Petitioner.
Mr. Subir Kumar Saha,
Mr. Mominur Rahaman
... For the State.

Heard Both the parties.

In compliance of the order of this court dated 31st October, 2022, the respondent authority representing the Department of Correctional Services concerned has produced the record on perusal of which it appears that the State Sentence Review Board, West Bengal, has already taken decision on the proposal sent by the Jail Authority for release of the petitioner by giving elaborate reasons for not releasing the petitioner and this court in exercise of Constitutional writ jurisdiction under Article 226 of the Constitution of India cannot sit as an Appellate Authority over the aforesaid decision of the Authority. Accordingly, this writ petition, being WPA 2143 of 2022 is dismissed. However, dismissal of this writ petition will not prevent the petitioner to seek appropriate remedy before the appropriate forum against rejection of the petitioner's

prayer for release in accordance with law.

(Md. Nizamuddin, J.)