

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.84 of 2021

Mahendra Hembram

.....

Petitioner
Mr. H.S. Deo, Adv.

-Versus-

State of Odisha & others

.....

Opp. Parties
Mr. S.S. Kanungo, AGA

CORAM:

**JUSTICE S. TALAPATRA
JUSTICE M.S. SAHOO**

ORDER
05.08.2022

Order No.

06.

1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
2. Heard Mr. H.S. Deo, learned counsel appearing for the petitioner and Mr. S.S. Kanungo, learned Addl. Government Advocate for the Opp. Parties-State.
3. On 18.07.2022, the State has filed their short counter affidavit, stating, *inter alia*, as follows:

“8. That the relevant portion of Section-433-A Cr.P.C. under “Notes” is reproduced below:-

By earning remission under Government policy a life convict does not acquire a right of release. He could be said to have earned only a right to have his case put up in time before the authorities for considering exercise of power under Article-161 of Constitution of India. Life

convict cannot claim that his case for premature release should be considered according to policy/instruction of Government which was in force on the date of his conviction: State of Haryana and others V. Balwan etc. (1999) 17 OCR (SC) 593.

9. *That accordingly, the case of the petitioner was considered by the Board taking into account the brutality and gravity of his crime as per the illustrated categories as per Law Department Resolution and rejected his case on different sittings on 24.11.2016, 24.06.2019, 24.12.2020 & 12.01.2022 on the ground of “triple murder including two minor children”. A copy of the proceeding of the last Board meeting dated 12.01.2022 is filed herewith as ANNEXURE-A/3.”*

4. In view of the above decision, we do not find any scope for further consideration. Accordingly, the writ petition stands dismissed. However, this dismissal will not stand in the way of the petitioner to file a fresh petition.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge



