

AD-16
Ct No.09
09.02.2024
TN

CPAN 1702 of 2023
In
WPA No. 20731 of 2023

Kanchi @ Sanjit Makhal and another
Vs.
B.P. Gopalika, the Secretary, Home and Hill Affairs
Department and another

Mr. Uday Sankar Chattopadhyay,
Mr. Dibakar Sardar,
Mr. Pronay Basak,
Ms. Rajashree Tah,
Ms. Aishwarya Datta

....for the petitioners

Mr. Somnath Ganguli, Ld. AGP,
Ms. Sukalpa Seal

....for the alleged contemnors

1. The applicants submit that this is the third occasion when the petitioners have to come up before this court. The petitioners/convicts have sought for premature release and are already in custody for more than two decades. By placing reliance on the decision of the State Sentence Review Board (SSRB) taken pursuant to the direction of this court, learned counsel contends that none of the relevant criteria have been considered.
2. Although it is recorded in the said observations that nothing adverse is reported while availing

parole against the petitioners and that the petitioners' correctional home records show that there is no instance of indiscipline and their family members are eager to accept the convicts, much reliance was placed on the nature of the crime committed more than 20 years back by the petitioners for refusing the petitioners' premature release application again.

- 3.** Whatever worth there may be in the contentions of the petitioners to the effect that the order of the SSRB, even after the direction of this court, did not take into consideration all relevant criteria, further order of premature release or otherwise cannot be passed on the merits of the challenge within the limited constraint of a contempt application.
- 4.** Insofar as the allegation of contempt is concerned, since the SSRB has passed a further order upon consideration of the relevant facts in terms of the specific direction of this court afresh, it cannot be said that there was any deliberate or contumacious violation of the order of this court.
- 5.** However, the petitioners are at liberty to prefer a fresh writ petition challenging on merits the subsequent order of the SSRB refusing the petitioners' request for premature release again.

- 6.** Accordingly, CPAN 1702 of 2023 is disposed of with liberty to the petitioners to challenge the fresh order passed in the SSRB meeting held on December 06, 2023 rejecting the petitioners' request for premature release.
- 7.** There will be no order as to costs.
- 8.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)