

D/L. .
January 17, 2024.
MNS.

WPA No. 7429 of 2023

Bela Rani Goswami
Vs.
The State of West Bengal and others

Mr. Jayanta Narayan Chatterjee,
Mr. Debashis Banerjee,
Mr. Supreem Naskar,
Mr. Rakesh Jana

... for the petitioner.

1. Affidavit-of-service filed in Court today be kept on record.
2. Despite service, none appears for the respondents.
3. The mother of a convict, who is now in the Lalgola Open Air Correctional Home, has preferred the instant writ petition seeking premature release of her son.
4. The reasons for the rejection of the prayer of such convict for premature release has been annexed at page 103 of the writ petition, which indicates that the primary consideration for such rejection was that the petitioner had committed heinous crime despite being a member of a disciplined force, which affected the society at large. The convict intends to start his new business of selling garments, but

the wife of the convict has strong objection to his release.

5. Contemporary criminal jurisprudence demands that the reformatory approach gets precedence over retribution.
6. As is well-settled by several judgments of the Supreme Court and by the judgments of different High Courts, while considering the question of premature release of convicts, the State Sentence Review Board (SSRB) has to look into, among other things, the current conduct of the convict as well as the possibility of his being reintegrated in society.
7. In the present case, the petitioner has annexed a certificate by the Superintendent of the Lalgola Open Air Correctional Home, the very place of incarceration of the petitioner, where the Superintendent has opined that the convict is trustworthy, disciplined, sincere, diligent and of fine moral character and his conduct and performance are praiseworthy during detention period.
8. That apart, documents have been produced to show that the convict is otherwise engaged in several social activities and there is a fair chance of his getting reformed and being

reintegrated in the mainstream of the society after his release. However, such yardsticks were overlooked by the SSRB while considering the convict's prayer for premature release.

9. As such, the rejection of the prayer by the SSRB is set aside.

10. WPA No. 7429 of 2023 is disposed of by directing the SSRB to reconsider the prayer of premature release of the petitioner's son, who is a convict in the Lalgola Open Air Correctional Home on the yardsticks as indicated above.

11. It is expected that such reconsideration shall be undertaken at the earliest, positively within a month from the date of communication of this order to the respondent no. 2.

12. There will be no order as to costs.

13. 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.)