

10.07.2024
Ct. No. 09
Item No.09
Cp

W.P.A. 16974 of 2023

Sipra Mukhopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee,
Mr. Supreem Naskar,
Ms. Jayashree Patra
Ms. Pritha Sinha

... for the Petitioner.

Mr. Rajarshi Basu
Ms. Rupsha Chakraborty

... for the State.

The petitioner is the sister of an inmate who has been convicted for offences under Sections 302, 120B of the Indian Penal Code. The person was sentenced to suffer imprisonment for life. This writ petition has been filed with a prayer to grant premature release. It is submitted that she has served more than 13 years 6 months.

This court does not find that there are adequate materials to direct premature release. Such prayer cannot be made unless the person have served her sentence for at least 14 years.

It is contended by Mr. Chatterjee, learned advocate for the petitioner, that the law provides for premature release if in the opinion of the medical board the person incarcerated is in danger of death from some sickness, with no hope of recovery within or outside the prison.

In this case, there are no pleadings with regard to the health condition of the petitioner's sister. Mr. Chatterjee has not been able to convince the court that a situation exists for such premature release.

The petitioner being the sister can be concerned about the health condition of her sibling. She wants to know the present state of health as the her sister suffers from ailments like blood pressure, blood sugar, thyroid problems arthritis etc. The petitioner has reason to believe that her sister was admitted to the hospital couple of times. She apprehends that the situation may have become worse and her sister may succumb to such illness.

This writ petition is thus based on an apprehension of one sister about the physical well-being of other sister, who is undergoing a life sentence. The authorities of the concerned correctional home are directed to cause a thorough medical examination of the person, routine tests if advised by the doctor and provide the necessary information and copies of prescriptions of the doctor to the petitioner within a period of two weeks from the date of communication of this order.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)