

AD-25
Ct No.09
19.01.2024
TN

CPAN 1501 of 2023
In
WPA 9073 of 2023

Md. Khalid
Vs.

Shri B.P. Gopalika, IAS, Addl. Chief Secretary, Home
& Hill Affairs Department, Govt. of West Bengal and
others

Mrs. Somali Mukhopadhyay

....for the petitioner

- 1.** Affidavit-of-service filed today be kept on record.
- 2.** Learned counsel for the petitioner submits that although the alleged contemnors did not comply with the order of this court by re-adjudicating the issue of premature release of the petitioner/convict within October 15, 2023, subsequently a decision was taken in a mechanical manner, thereby repeating the rejection of the petitioner's request for premature release.
- 3.** Learned counsel submits that this is becoming a circle whereby the respondent-authorities are reiterating their own previous erroneous decisions time and again without applying independent mind to the relevant yardsticks for premature release of a convict.

4. However, despite having full sympathy for the petitioner on such count, this court cannot, sitting in contempt, adjudicate on the merits of the fresh decision rejecting the petitioner's request for premature release.
5. Accordingly, CPAN 1501 of 2023 is disposed of by granting liberty to the petitioner to challenge the subsequent cause of action, that is, the subsequent rejection of the petitioner's prayer for premature release by way of a fresh writ petition.
6. There will be no order as to costs.

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.)