

WPA 28085 of 2023
Ashoke Kumar Gupta
Vs.
The State of West Bengal & Ors.

Mr. Parinav Gupta,
Mr. Suman Chakraborty,
Mr. Amarnath Agarwal

...for the Petitioner

The petitioner was convicted in connection with Sessions Trial No. 7 (4)/2003, Sessions Case No. 65 of 2002 under Section 498A/306/34 of the Indian Penal Code by the Additional District & Sessions Judge, 5th Fast Track Court, Bichar Bhawan, Calcutta.

The petitioner has filed this writ petition praying inter alia for the following reliefs:

“Issue a Writ of Mandamus or any similar writ, order or direction thereby directing the respondent – State to release the petitioners on probation of good conduct under Section 3 and 4 of the Probation of Offenders Act, 1958 against the order 02.05.2022 passed by this Hon’ble Court in CRA No. 157/2004.”

I am of the view that it is for the Trial Court below to consider such prayer. High Court in exercise of its writ jurisdiction cannot grant such a prayer.

Accordingly, **WPA 28085 of 2023** is dismissed.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)

