

14.06.2024
Ct. No. 02
Items No. 137
Cp

Calcutta High Court
In the Circuit Bench at Jalpaiguri

WPA No. 593 of 2024

Sanjay Kerketta
Vs.
The State of West Bengal & ors.

Ms. Ashima Mandla
Mr. Deborshi Dhar
.....for the petitioner.

Ms. Bedashruti Bose
Mr. Pradip Sarkar
....for the State.

The petitioner is an inmate in a correctional home. The petitioner was sentenced to life imprisonment which was reduced to 20 years. The petitioner's wife filed an application seeking parole of her husband with a prayer that her husband may be released in terms of Rule 7 of the West Bengal Correctional Services (Release on Parole) Rules, 2021, as considerable time would be required to file an appeal before the Hon'ble Apex Court against the order of conviction.

The learned advocate for the petitioner contends that the rules provide that 40 days parole in a year can be given to an inmate. The authorities have time and again ignored such prayer and released the petitioner for a day or two, thereby frustrating the very purpose for which the parole had been prayed for. It is further

contended that the petitioner was required to sell his land and property in order to accumulate funds for the purpose of filing an appeal before the Hon'ble Apex Court. Such process could not be achieved in a day or two. At least reasonable time should be allowed to the petitioner.

The learned advocate for the authorities submit that the applications filed by the petitioner seeking release on parole were allowed. The petitioner wanted to meet his family. He did not even file any application for being released on the ground that he wanted to move the Hon'ble Apex Court. Lastly, on June 5, 2024, parole was allowed for a day. The petitioner availed of the parole on June 9, 2024. It is further contended that it is for the inmate to apply for the parole. Instead, the wife applied for parole and the said application could not be considered. The rules have been placed.

The rules provide that maximum 40 days parole can be given in a year, but the application for parole could be considered after expiry of six months from the last parole. The authorities did not consider the prayer of the wife on the ground that she was not entitled to make such prayer. The prayer of the inmate for parole to meet his family had been accepted and a day was allowed lastly on June 5, 2024.

The writ petition does not talk about the exact reason for seeking a longer parole as placed by the

petitioner's learned advocate, i.e., sale of land and collection of funds to move the Hon'ble Apex Court.

Thus, the petitioner is granted liberty to approach the authorities as per the rules upon expiry of six months from June 9, 2024, with his prayer for parole and the reasons for such parole. If such application is made, the same shall be disposed of within two weeks strictly in accordance with the rules.

However, the petitioner would be required to satisfy the authorities that he had made the necessary arrangements for the alleged sale of his land and for collection of funds to move the Hon'ble Apex Court.

The writ petition is accordingly disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)