

02. 26.09.2025
Court No.22.
(Pritam)

WPA 22765 of 2025

Kalipada Giri.

-Vs.-

State of West Bengal & Ors.

Mr. Kallol Mondal, Sr. Adv.,
Ms. Sucheta Mitra,
Mr. Sreyash Kumar Singh.

....for the petitioner.

Mr. Amitabrata Ray, Ld. GP.,
Mr. Suman Sengupta, Sr. Adv.,
Mr. Soumen Chatterjee.

....for the State.

1. The Affidavit-of-Service filed by the petitioner today is accepted and directed to be kept with the record. The Court is satisfied that notice has been duly served upon all necessary respondents.
2. Heard learned advocates for the respective parties at length.
3. The present Writ Petition has been preferred by the Petitioner, KalipadaGiri, a life convict, challenging the decision of the State Sentence Review Board (SSRB), communicated in its 69th Meeting on September 2, 2022, rejecting his prayer for premature release.
4. The facts are largely undisputed. The Petitioner has undergone a prolonged period of custody,

approximately 18 years of actual incarceration, having been in prison since October 22, 2007, following his conviction under Section 302/324 of the Indian Penal Code. The record reflects that the Petitioner has served a period substantially in excess of the statutory minimum of 14 years.

5. Crucially, the Superintendent, Midnapore Central Correctional Home, Paschim Midnapore, has furnished a Conduct Certificate which affirms the Petitioner's satisfactory and unblemished record of good conduct during his prolonged incarceration.
6. Learned Counsel appearing on behalf of the Petitioner submits that the sole ground for the SSRB's rejection, as communicated, was a cryptic and generalized apprehension of a "chance of recurrence of such crime," purportedly conveyed by the police authorities and local opposition.
7. Learned Counsel submits that such a mechanical rejection, disregarding the long period of incarceration and the unblemished post-conviction conduct, constitutes a violation of the Petitioner's fundamental right under Article 21 and the principle of equality under Article 14 of the Constitution. Reliance has been rightly placed on the ratio decidendi of the Hon'ble Supreme Court in *Laxman Naskar vs. Union of India* ((2000) 2 SCC 595), *Satish @ Sabbe vs. State of Uttar*

Pradesh ((2021) 14 SCC 580), and *Shor vs. State of Uttar Pradesh &Anr.*((2021) 14 SCC 820), which mandate that the SSRB's decision must be reasoned and based on a holistic assessment, not merely the gravity of the original offense or generic police reports.

8. This Court notes that the SSRB's power to grant or refuse premature release is an executive function entitled to judicial deference, but such deference does not extend to decisions that are arbitrary, perverse, or perfunctory. The State is obliged to consider the case of a life convict who has served a substantial sentence by weighing the principles of retribution against those of reformation and rehabilitation.
9. The mechanical reproduction of a police apprehension, without a detailed analysis of the Petitioner's reformative progress and sustained good conduct over 18 years, renders the SSRB's decision untenable and indicative of a non-application of mind to the relevant factors as per the West Bengal Jail Court Rules relating to remission and judicial mandates. A generalized apprehension of recurrence cannot override a demonstrable history of good conduct within the correctional home, unless specific, cogent reasons are provided and duly recorded.

10. In light of the foregoing, the ends of justice require that the competent authority re-evaluate the Petitioner's eligibility in compliance with the letter and spirit of the relevant rules and judicial precedents.

11. Accordingly, the Writ Petition, being W.P.A. No. 22765 of 2025, is disposed of with the following mandatory directions:

a) A Writ of Mandamus is hereby issued, directing the Respondent No. 2 (The Principal Secretary, Department of Correctional Services) and the State Sentence Review Board (SSRB) to reconsider the case of the Petitioner, KalipadaGiri, for premature release.

b) The SSRB shall ensure that the Petitioner's case is placed before the Board and a reasoned decision is passed within a period of three (3) months from the date of communication of this Order.

c) The reconsideration shall specifically and analytically assess the Petitioner's demonstrable reformation, the long period of custody (approximately 18 years), and the consistent good conduct certificate from the correctional home authorities. The rejection, if any, shall not be based

solely on the gravity of the original offense or generalized police apprehension of future conduct, without independent verification and reasoned justification.

d) The final reasoned order of the SSRB shall be communicated to the Petitioner through the Superintendent, Midnapore Central Correctional Home (Respondent No. 5), within two weeks of the decision being taken.

12. The prayer for interim bail is dismissed.
13. There shall be no order as to costs.
14. All parties are directed to act on the basis of the learned Advocate's communication of this order.

(Uday Kumar, J.)