

25.09.2025
SL No. 12
Court No. 550
sk

WPA 23057 of 2025
Nayan Gazi
Vs
The State of West Bengal & Ors.

Mr. Anirban Mitra
Mr. Bikash Kr. Roy
...for the petitioner

Mr. Amitabrata Roy, Ld. G.P.
Mr. SumanDey
Mr. Priyanjit Kundu
...for the State

Affidavit of service filed by the petitioner is taken on record.

The State Legal Services Authority, West Bengal has filed the present writ petition on behalf of the life convict namely **Nayan Gazi** (have undergone for more than 20 years 3 months and 19 days), who has been convicted by the learned Additional District & Sessions Judge, North 24 Parganas on 01.12.2005 in connection with Basirhat Police Station Case No. 54/2005, ST 16(7)/05 S.C. 22(5)/05, , G.R. Case No. 205/2005 under Sections 302/34 of the Indian Penal Code.

The petitioner has prayed for pre-mature release of the life convict since the guidelines prescribed by the National Legal Services Authority as well as Hon'ble apex Court are not being followed by the respondent authorities.

I have gone through the National Legal Services Authority's Standard Operating Procedures on the Process of Premature Release, Parole Furlough of Prisoners, 2022 and also Section 61(2) of the West Bengal Correctional Services Act, 1992.

It is trite to say that National Legal Services Authority has issued Standard Operating Procedure for premature release of the life convicts and the Hon'ble Supreme Court has also directed all the State of India to formulate the policy for premature release, remission of sentences in respect of the life convicts, and the same has been reported in **2025 SCC Online SC 349, In Re: Policy Strategy for Grant of Bail.**

In view of the direction of the Hon'ble Supreme Court, the State should not wait for convict's application for pre-mature release and should take appropriate steps periodically.

It prima facie appears that it is not followed in this matter.

Accordingly, the respondent authorities are directed to consider the prayer of the convict/ petitioner, **Nayan Gazi** in accordance with the relevant guidelines and laws as mentioned above and to pass appropriate order in connection with his prayer of the convict **Nayan Gazi** with the relevant guidelines of NALSA and also in accordance with Section 61(2) of West Bengal Correctional Services Act, 1992 within two months from date and to inform the said decision to the life convict immediately thereupon. This writ petition be treated as prayer for premature release on behalf of the life convict.

With this direction, the instant writ petition is disposed of.

The life convict be informed of this order through the State Legal Services Authority, West Bengal accordingly.

It is true that his prayer for premature release was refused by the State Sentence Review Board on earlier occasion. However, considering his period for detention and also the fact that the Correctional Authority has submitted a fresh conduct report, the respondent

authorities are directed to reconsider his prayer for premature release of the petitioner in accordance with the guidelines mentioned above and Section 61(2) of the West Bengal Correctional Services Act, 1992.

The order dated 12.07.2025 passed by State Sentence Review Board is hereby set aside.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

All parties are directed to act on the server copy of this order duly downloaded from the official website of the Calcutta High Court.

(Apurba Sinha Ray J.)