

24.09.2025
SL No.44
Court No.550
(gc)

WPA 23018 of 2025

Md. Rafique @ Chachu
Vs.
The State of West Bengal & Ors.

Mr. Anirban Mitra,
Mr. Bikash Kumar Roy
...for the Petitioner.

1. The affidavit-of-service be kept with the record.
2. The State Legal Services Authority, West Bengal, has filed the present writ petition on behalf of the life convict namely, Md. Rafique @ Chachu, who was convicted by the learned Judge, Special Court, E.C. Act, Alipore in connection with Tollygunj PS Case No.308/96, St No.6(1)97, SC No.06(12)96 under Sections 302/398/34 IPC. He has undergone imprisonment more than 26 years for premature release.
3. 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.
4. I have gone through the National Legal Services Authority's Standard Operating Procedure on the process of Premature Release, Parole and Furlough of Prisoners, 2002 and also Section

61(2) of the West Bengal Correctional Services Act, 1992.

5. In view of the direction of the Hon'ble Supreme Court, the State should not wait for convict's application for premature release and should take appropriate steps periodically.
6. It prima facie appears that it is not followed in this matter.
7. Accordingly, the respondent authorities are directed to consider the prayer of the convict/petitioner, Md. Rafique @ Chachu, in accordance with the relevant guidelines and laws as mentioned above and to pass appropriate order in connection with the prayer of the said convict.
8. The life convict be informed of this order through the State Legal Services Authority, West Bengal accordingly.
9. 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 re-consider his prayer for premature release of the petitioner in accordance with the

guidelines mentioned above and Section 61(2) of West Bengal Correctional Services Act, 1992.

10. The order dated 12th July, 2025 passed by the State Sentence Review Board is hereby set aside.
11. With this direction, the present writ application being WPA 23018 of 2025 is disposed of.
12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.
13. All parties shall act on the server copy of this order.

(Apurba Sinha Ray, J.)