

**Item no. 11
13.08.2025
Ct. 02
sayandeep**

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 1685 of 2025

**Chhatra Bahadur Rai
versus
Union of India & Ors.**

**Mr. Sandip Guha Roy
...For the Petitioner.**

**Mr. Sudipto Kr. Mazumdar, Ld. DSGI
Mr. Sudip Kr. Paul
....for the State**

**Mr. Pradep Kr. Mittal
Mr. Sandip Guha Roy
..... for the State**

1. The petitioner has approached this Court, inter alia, praying for a direction to grant remission of further sentence of the petitioner by releasing him from the correctional home. On the basis of disclosure made by the petitioner, it would reveal that the petitioner was originally sentenced on 17th October, 1997 passed in a proceedings under the Army Act, 1950. From the detention certificate, it would appear that the petitioner is a life convict.
2. Though all particulars are not available and has not been disclosed by the petitioner, as would appears from the detention certificate, it would transpire that the petitioner has spent approximately 27 years in custody by now.

3. Mr. Mazumder, learned DSGI appears on behalf of the Union of India, he would, however, submit that the petitioner has been convicted of heinous crime of having murdered six army personnel. He would also submit that the petitioner has not even bothered to apply before the appropriate authority for remission/suspension of the sentence. The writ petition in the present form is not maintainable.
4. Having heard the learned advocates appearing for the respective parties and noting the provisions of Section 179 of the Army Act, 1950 provides for remission and suspension of sentence, I am of the view that the petitioner cannot be permitted to approach this Court bypassing the statutory remedy provided for in the Army Act itself.
5. Having heard the learned advocates appearing for the respective parties, though it would appear that by an order dated 29th November, 2024, the Hon'ble Supreme Court of India in WP No. 469 of 2024 had permitted the petitioner to approach the appropriate forum, however, having regard to the provisions contained in Section 179 of the Army Act, 1950 which provides for remission and suspension of sentence, I am of the view, the petitioner cannot

be permitted to bypass the statutory remedy and directly approached this Court.

6. Having regard to the above, there is no scope to consider the prayer of the petitioner at this stage.
7. The writ petition is dismissed with liberty to the petitioner to apply before the statutory authority in accordance with law. If any such application is made, the competent authority shall decide on the same as expeditiously as possible.

(Raja Basu Chowdhruy, J.)