



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 244 of 2023**

Janlal S/o Shri Bhuvno Aged About 44 Years Convict No. 7683/120,
Lodged In Raipur Central Jail, Raipur, District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Home, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
2. Jail Superintendent Central Jail Raipur, District : Raipur, Chhattisgarh
3. District Magistrate Gariyaband, District : Gariyabandh, Chhattisgarh
4. Superintendent of Police Gariyaband, District : Gariyabandh, Chhattisgarh
5. Thana In - Charge Police Station - Devbhog, District : Gariyabandh, Chhattisgarh

---- Respondents

For Petitioner : Ms. Rajni Soren, Advocate.

For Respondents-State : Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Rakesh Mohan Pandey, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

11.05.2023

1. Heard Ms. Rajni Soren, learned counsel for the petitioner. Also heard Mr. Avinash Singh, learned Panel Lawyer, appearing for the respondents/State.



2. The petitioner has filed this writ petition with the following prayers:

“(i) Issue a writ of certiorari and set aside order dated 14.12.2020 (Annexure P/1) passed by the Additional District Magistrate, Gariyaband.

(ii) Issue a writ of mandamus directing the respondents to released the petitioner in accordance with the Chhattisgarh Prisoner’s Leave Rules, 1989.

(iii) Issue a writ of mandamus directing Respondents to decide the Petitioner’s Application for Leave in accordance with Chhattisgarh Prisoner’s Leave Rules, 1989;

(iv) Pass any other order the Hon’ble Court may deem fit in the interest of justice.”

3. The learned counsel for the petitioner submits that by an order dated 14.12.2020, the Additional District Magistrate, Gariyaband had rejected the parole application of the petitioner on the ground that the petitioner had committed a serious offence and his release would endanger the victims family and there was a possibility of some untoward incident happening in the village, if the petitioner was released.

4. It transpires from the impugned order that the same has been passed in the way back of year 2020 and if the same has been rejected, the petitioner would have vigilant enough to approach this Court against the said order timely, but at this belated stage, the present petition cannot be entertained. However, it is open for the petitioner to apply afresh before the District Magistrate, who may pass appropriate orders, if any, such application is made.

5. Accordingly, the present with petition is dismissed.

Sd/-
(Rakesh Mohan Pandey)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice