



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 378 of 2023

Man Vishram @ Gendu S/o Bhimkham Sahu Aged About 65 Years R/o Kapsi, P.S. Patan, District- Durg, Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh Through The Secretary Home Department, D.K.S. Bhawan Secretariat Raipur, District- Raipur, Chhattisgarh.
2. Inspector General Prison/jail Head Quarter, Raipur, District- Raipur, Chhattisgarh.
3. District Magistrate/collector Durg, District- Durg, Chhattisgarh.
4. Superintendent Central Jail Durg, District- Durg, Chhattisgarh.

---- **Respondents**

(Cause-title taken from the Case Information System)

For Petitioner : Mr. Rahil Kumar Kochar, Advocate
For Respondents-State: Mr. Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri Ramesh Sinha , Chief Justice

Hon'ble Shri N.K.Chandravanshi, Judge

Order On Board

Per Ramesh Sinha, Chief Justice

20.09.2023

1. Heard Mr. Rahil Kumar Kokchar, learned counsel for the petitioner.
Also heard Mr. Gagan Tiwari, learned Deputy Government Advocate, appearing for the respondents-State.



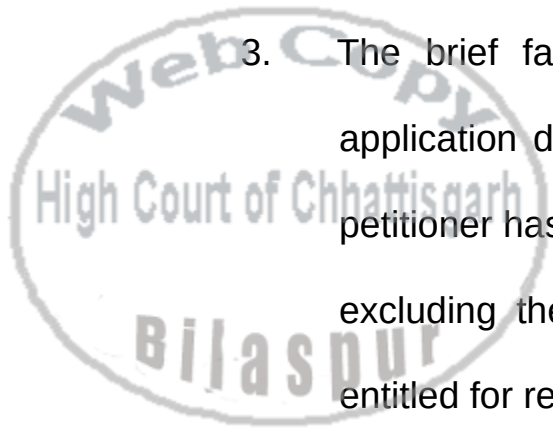
2. By way of this writ petition, the petitioner has prayed for following reliefs:-

“10.1 That this Hon’ble Court may kindly be pleased to issue a writ of mandamus thereby directing the respondents to release petitioner as he has completed half of his jail sentence excluding the period of remission under the provisions of section 433 of Cr.P.C.

10.2 That this Hon’ble Court may be further pleased to pass any other consequential and other orders / writs which this Hon’ble Court deems just and proper in the facts and circumstances of the case.”

3. The brief fact of the case is that the petitioner has filed an application dated 09.12.2022 to the Governor of the State as the petitioner has completed half of the jail sentence as awarded to him excluding the remission period of jail sentence, therefore, he is entitled for release as per Section 433 of the Cr.P.C.

4. Learned counsel appearing for the petitioner submits that the petitioner has forwarded an application dated 09.12.2022 before the Chief Minister, Home Minister and the Governor to release the petitioner who was convicted under Section Section 304 Part II of the IPC. Vide order dated 17.01.2023, the Governor has directed the competent authority to consider the application of the petitioner. It is further submitted that this Court may also direct the competent authority to decide the application dated 09.12.2022 within the stipulated time.





5. Learned Deputy Government Advocate appearing for the respondents/State submits that the petitioner's application will be considered and decided by the competent authority in accordance with law as expeditiously as possible.
6. Considering the submissions made by the learned counsel for the parties and perusing the application dated 09.12.2022 (Annexure P-3), the respondent/State is directed to consider and decide the pending application of the petitioner (Annexure P-3) as expeditiously as possible, preferably within a period of eight weeks from today, if already not decided, in accordance with law.
7. With the aforesaid observation / direction, the writ petition finally stands disposed of.

Sd/-
(N.K.Chandravanshi)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Hem