

CNR No: WBSP01-001073-2024

Present: Dinanath Prasad

J.O Code: WB00639

SC Case No: 41 (01) of 2024

Order No.04, dated: 17-02-2024.

Sole accused person namely Sk. Bablu has been produced from Presidency Correctional Home.

As stipulated by the previous order today is fixed for consideration of charge.

Learned advocate namely Md. Sanfiraj Ali has appeared alongwith an appointment letter and submitted that he has been appointed as P.P-in-charge of this case. Let the same be kept with the case record.

At this stage learned lawyer for accused person has filed a petition praying for release of the accused person as his father has died on 16.02.2024 and has also prayed for direction upon the Superintendent of the Presidency Correctional Home to that effect.

Learned lawyer for accused person would lay emphasis on the fact that the accused person is in custody for long and he may be released so that he can attend the last rites of his father.

Heard learned for the accused person.

Meticulously introspected the case record. It axiomatic that this accused person is praying for release of the accused for attending the last rites of his father who has died on 16.02.2024 which is substance is a prayer for parole. This brings me to the West Bengal Correctional Services Act, 1992. As per section 62 of the West Bengal Correctional Services Act, 1992 parole is permissible on fulfillment of certain conditions but the piquant question is by whom. Section 432 of the Criminal Procedure Code 1973 deals with the powers to suspend or remit sentences. The empowerment has been given to the appropriate government or its mechanism to remit the sentence period and even release the accused person and /or to convict under parole and this Court is devoid of jurisdiction to hoist the prayer of the accused person. Hence the prayer of the accused person is not maintainable before this Court and can be decided by the Superintendent as per Jail Code. If so advised ; the accused person may ventilate his prayer before the Superintendent, Presidency Correctional Home. The Superintendent, Presidency Correctional Home is directed to consider the prayer as per law and sympathetically at once with proper escort.

Let a copy of this order be sent to the Superintendent of Presidency Correctional Home for his information and compliance.

A free of cost copy of this order be given to the learned Advocate for the accused person.

To 04-03-2024 for production of the accused persons and consideration of charge.

Typed to the dictation directly;
corrected on the system.

Sd/-Dinanath Prasad

Additional District and Sessions Judge-in-Charge,
01st Court, Alipore,
South 24 parganas.

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