



2026:CGHC:3172-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 34 of 2026**

Moneshwar @ Rinku Katlam S/o Shyam Lal Katlam Aged About 22 Years R/o Village Fakirtola, Andi, Post Andi, P.S. Bortalab, Distt. Rajnandgaon, Chhattisgarh, Through His Brother- Narendre Katlam, S/o Shree Shyamlal Katlam, Aged About 20 Years, R/o Village Fakirtola Andi, Post Andi, P.S. Bortalab, Distt. Rajnandgaon, Chhattisgarh.

... Petitioner(s)**versus**

1. State of Chhattisgarh Through Principal Secretary, Department of Home (Jail) Mahanadi Naya Raipur, Mantralaya, Naya Raipur, Chhattisgarh.
2. The Jail Superintendent Central Jail Durg, Distt. Durg, Chhattisgarh.
3. The District Magistrate Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh.
4. The Superintendent of Police Rajnandgaon, Distt. Rajnandgaon, Chhattisgarh.

... Respondent(s)

(Cause-title taken from Case Information System)



For Petitioner	:	Mr. Sanjay Kumar Yadav, Advocate.
For Respondent/State	:	Mr. Priyank Rathi, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

20.01.2026

1. Heard Mr. Sanjay Kumar Yadav, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents.

2. The present writ petition has been filed by the petitioner with the following prayers:

“10.1 To call for entire records from respondents pertaining to petitioner’s leave case for kind perusal of the Hon’ble High Court.

10.2 To quash impugned memo dated 11.04.2025 (Annexure P/1) and also to direct respondents to release petitioner on parole under the Chhattisgarh Prisoner’s Leave Rules, 1989.

10.3 To grant any others relief deemed fit and proper in facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner is



presently lodged in Central Jail, Durg as Prisoner No. 4319/50 and is serving a sentence of imprisonment under Sections 363 and 366 of the IPC and Section 6 of the POCSO Act (the complete details of the sentence are not mentioned), as the Special Sessions Case culminated in his conviction. He further submits that the petitioner has already undergone more than three years, six months, and eighteen days of incarceration and has thus become eligible for the benefit of release on leave under the Chhattisgarh Prisoners' Leave Rules.

4. It is further contended by learned counsel for the petitioner that, challenging the aforesaid conviction and sentence, the petitioner has preferred Criminal Appeal bearing CRA No. 981 of 2024 before this Court, wherein his application for suspension of sentence and grant of bail is pending consideration. He submits that the petitioner had moved an application before the Jail Superintendent seeking temporary release (parole), which was duly forwarded to the District Magistrate, Rajnandgaon (C.G.). However, the District Magistrate, vide order dated 11.04.2025, summarily rejected the said application without adhering to the mandate of the Chhattisgarh Prisoners' Leave Rules, 1989 (for short, "the Rules of 1989"). It is thus contended that the order dated 11.04.2025 suffers from non-application of mind and violation of statutory provisions and is, therefore, liable to be quashed.

5. *Per contra*, learned State counsel opposes the submissions and contends that the petitioner stands convicted of heinous offences under Sections 363 and 366 of the IPC and Section 6 of the POCSO Act. It is



submitted that the application for temporary release was duly considered by the Collector-cum-District Magistrate, Rajnandgaon (C.G.), on the basis of the report of the Superintendent of Police, who specifically recorded the objection raised by the victim's family that the petitioner's release, even temporarily, would pose a grave threat to their lives as well as to the victim. In view of such objections and the apprehension expressed by the victim's family, the competent authority rightly rejected the petitioner's application for parole, warranting no interference by this Court.

6. Having heard learned counsel for the parties and upon a careful perusal of the record, this Court finds no infirmity or illegality in the impugned order dated 11.04.2025 passed by the Collector-cum-District Magistrate, Rajnandgaon (C.G.). The decision to reject the petitioner's application for temporary release is founded not only on the nature and gravity of the offences for which the petitioner stands convicted, but also on the specific and cogent apprehension expressed by the victim's family regarding a threat to their lives and the safety of the victim in the event of the petitioner's release. The competent authority has taken into consideration the report of the Superintendent of Police and has exercised its discretion in accordance with the provisions of the Chhattisgarh Prisoners' Leave Rules, 1989. This Court is of the considered view that such an exercise of discretion cannot be said to be arbitrary, perverse, or suffering from non-application of mind so as to warrant interference under writ jurisdiction.



7. Accordingly, the writ petition, being devoid of merit, deserves to be and is hereby **dismissed**. However, the petitioner is at liberty to move an application for urgent hearing in CRA No. 981 of 2024, if he so desires.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice