



2026:CGHC:10172-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 120 of 2026

1 - Shivcharan S/o Shri Bodhiram Kashyap Aged About 41 Years (Aged About 24 Years At The Time Of Entry Into Jail), Caste- Kashyap, R/o Village- Pouna, Police Station - Pamgarh, District - Janjgir-Champa (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through - The Secretary, Home (Jail) Department, Mantralaya, Mahanadi Bhawan, Raipur (C.G.)

2 - The Director General Of Prisons And Correctional Services Chhattisgarh Head Quarter - Prisons And Correctional Services Chhattisgarh, Raipur (C.G.)

3 - The Jail Superintendent Central Jail Bilaspur (C.G.)

... **Respondent(s)**

For Petitioner	:	Mr. Rishi Rahul Soni, Advocate.
For Respondents/State	:	Mr. S. S. Baghel, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

27.02.2026

1. Heard Mr. Rishi Rahul Soni, learned counsel for the petitioner.
Also heard Mr. S. S. Baghel, Dy. G.A. appearing for the State.
2. The present writ petition has been filed by the petitioner with the following prayers:

“10.1 The Hon'ble Court may kindly be pleased to call for the entire records pertaining to this case from possession of the respondents for it's kind perusal;

10.2 The Hon'ble Court may kindly be pleased to issue a suitable writ, order or direction commanding the respondents to consider and decide the case/ prayer of the petitioner for remission of rest part of sentence under section 432 of the Code of Criminal Procedure 1973 (now under 473 of Bharatiya Nagrik Suraksha Sanhita 2023) as early as possible preferably within a period of 30 days or within any other suitable period; and

10.3 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner.”

3. Learned counsel for the petitioner submits that the petitioner was convicted by judgment dated 19.11.2010, passed by the learned 2nd Additional Sessions Judge, Bilaspur, District Bilaspur (C.G.) in Sessions Case No. 179/2009, for offences under Sections 302/34 of the IPC, and was sentenced to undergo life imprisonment and to pay fine of Rs. 2000/- and in default of fine amount to undergo additional rigorous imprisonment for one month. It is submitted that the petitioner has already undergone more than 16 years and 06 months of actual incarceration and has completed over 21 years and 09 months of imprisonment including remission, thereby becoming eligible for consideration of remission under Section 432 of the Code of Criminal Procedure, 1973. Learned counsel further submits that the petitioner had preferred an application in 2024 seeking remission of the remaining portion of his sentence; however, the said application is still pending consideration before the State Sentence Review Board/ Competent authority. Learned counsel, therefore, prays that the respondent/authorities be directed to decide the petitioner's pending remission application within a reasonable time.

4. Learned State Counsel submits that the petitioner's application is already *sub judice*, and the same will be decided by the competent authority within the stipulated period, strictly in accordance with law.

5. We have heard learned counsel for the parties and perused the documents appended with the petition.

6. In view of the submissions made by learned State Counsel, it is

directed that the pending application of the petitioner for remission shall be considered and decided by the State Sentence Review Board/ competent authority within a period of two months from the date of receipt of a copy of this order.

7. With the aforesaid observation/ direction, the petition stands disposed off.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

sagrika