



2026:CGHC:17348-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 204 of 2026**

Rikhi Ram S/o Brijram Sahu Aged About 37 Years R/o Village Sonesilli, Police Station Gobra Nawapaara, District Raipur Chhattisgarh Presently Is Prisoner No. 9168/124 In Central Jail, Raipur, District Raipur Chhattisgarh

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

1 - State Of Chhattisgarh Through Secretary, Department Of Jail, Government Of Chhattisgarh Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh Pin Code 492 002

2 - Under Secretary Department Of Jail, Government Of Chhattisgarh Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh Pin Code - 492002

3 - Director General, Prisons And Correctional Services Jail Headquarters, Sector - 19, Nava Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh Pin Code 492002

4 - Jail Superintendent Central Jail, Raipur, District Raipur Chhattisgarh Pin Code 492001

5 - Collector Raipur, District Raipur Chhattisgarh Pin Code 492001

... Respondent(s)

For Petitioner(s) : Mr. K. Rohan, Advocate

For Respondent(s) : Ms. Anusha Naik, 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

16.04.2026

1. Heard Mr. K. Rohan, learned counsel for the petitioner. Also heard Ms. Anusha Naik, learned Deputy Government Advocate appearing for the respondents/State.
2. By way of this writ petition the petitioner has prayed for following reliefs:-

“(a) Call for the entire records pertaining to the present case.

b) Issue a Writ of Certiorari & quash and set aside the impugned Order dated 02.02.2026 (ANNEXURE - P/1) whereby the Petitioner's Application for premature Release from Prison has been incorrectly rejected by invoking Rule 358 (6) (ix) and Rule 358 (7)(viii) of the Chhattisgarh Jail Rules, 1968.

c) Hold that the Petitioner is entitled to the benefit of premature release from Jail in accordance with the provisions of the Chhattisgarh Prison Rules, 1968.

d) Issue a Writ of Mandamus directing the Respondent State Authorities to grant/accord the benefit of premature release from Jail to the Petitioner herein and to release the Petitioner from Jail forthwith.

e) Grant the cost of the petition to the Petitioner.



f) Grant any other relief as deemed fit and proper in the facts and circumstances of the case.”

3. The present petition has been preferred by the petitioner challenging the legality, validity and propriety of the impugned order dated 02.02.2026, whereby the competent authority has rejected the petitioner's application for premature release from prison by purportedly invoking Rule 358(6)(ix) and Rule 358(7)(viii) of the Chhattisgarh Jail Rules, 1968. It is the case of the petitioner that the impugned order is ex facie a non-speaking and mechanical order passed without assigning any reasons as mandatorily required under Rule 358(7)(viii), thereby reflecting complete non-application of mind and violating settled principles of law that reasons constitute the soul of justice. It is further contended that the authorities have grossly misinterpreted Rule 358(6)(ix) inasmuch as the petitioner, though convicted in a single case involving the death of three persons, has been wrongly treated as falling under the category of “guilty of murder in two or more cases”, which is legally impermissible and contrary to the legislative intent underlying the provision. It is submitted that such an erroneous interpretation renders the entire scheme of premature release under the Rules otiose and defeats the object of the amendment by effectively postponing consideration of eligible prisoners. The petitioner also relies upon parity, stating that a co-accused, namely Rakesh Sahu, in an identical factual matrix, had challenged a similar rejection order which came to be



quashed by this Court vide order dated 23.02.2026, holding him entitled to the benefit of premature release, and therefore, on grounds of parity and equal treatment, the petitioner also claims entitlement to the same relief under the applicable provisions of the Chhattisgarh Jail Rules, 1968.

4. Learned counsel for the petitioner submits that a bare perusal of the impugned order dated 02.02.2026 unequivocally demonstrates that the same is a non-speaking and mechanical order, passed in gross violation of the mandate contained in Rule 358(7)(viii) of the Chhattisgarh Prison Rules, 1968, as it fails to assign any reasonable or logical reasons for rejection of the Petitioner's claim for premature release. It is contended that the impugned order suffers from complete non-application of mind, inasmuch as there is not even a semblance of consideration of the relevant statutory provisions or the parameters prescribed under Rule 358, including the mandatory inquiry on specified factors, the opinion of the concerned authorities, the conduct and behaviour of the petitioner in jail, and the likelihood of reformation, thereby rendering the decision arbitrary and unsustainable in law. It is further submitted that the respondent authorities have not only ignored relevant materials but have also taken into account irrelevant considerations, without even calling for requisite reports such as that of the welfare officer, thus vitiating the entire decision-making process. It is emphatically argued that the rejection is founded upon a patent misinterpretation of Rule 358(6)(ix), as the petitioner



has been involved in only one case, albeit involving multiple deaths, which by no stretch of interpretation can be equated with “guilty of murder in two or more cases,” the expression “cases” clearly signifying distinct prosecutions arising out of separate occurrences, and not the number of victims in a single case, and any attempt to expand the scope of the Rule amounts to impermissible executive overreach contrary to legislative intent.

5. Learned counsel for the petitioner further contends that such erroneous interpretation defeats the very object of the amendment and renders the scheme of premature release illusory and redundant. It is also submitted that the impugned order has been passed without considering the petitioner’s period of detention and other relevant factors, and is thus arbitrary, irrational and violative of the principles of fairness, reasonableness and non-arbitrariness governing State action under public law, including the Wednesbury principle, legitimate expectation and the doctrine that discretion must be exercised on relevant considerations. It is argued that the respondent State, being an instrumentality under Article 12 of the Constitution, is duty bound to act fairly, reasonably and in accordance with law and cannot exercise its powers in an unfettered or whimsical manner. The impugned action, being bereft of cogent reasons, reflective of mala fide and perverse exercise of discretion, and in flagrant disregard of the statutory scheme, is therefore liable to be quashed and set aside, and the present case warrants interference by this Court.



6. Per contra, learned State counsel opposes the petition and submits that the impugned order dated 02.02.2026 has been passed strictly in accordance with the provisions of Rule 358 of the Chhattisgarh Prison Rules, 1968, after due consideration of the nature and gravity of the offence committed by the petitioner and the overall facts and circumstances of the case. It is contended that the petitioner stands convicted for a heinous offence involving the murder of multiple persons, which has serious adverse impact on society at large, and therefore, the competent authority has rightly exercised its discretion in declining premature release. It is further submitted that the expression “guilty of murder in two or more cases” under Rule 358(6)(ix) has been rightly interpreted in the broader context of the gravity and multiplicity of the offence, and the same cannot be given a narrow or pedantic meaning so as to defeat the object of the Rule, which is to exclude offenders involved in multiple killings from the benefit of premature release. It is argued that the decision of the State Government is based on relevant considerations including the severity of the crime, its societal impact, and the need to maintain public confidence in the criminal justice system, and therefore, cannot be termed as arbitrary or illegal merely on the ground that the order is concise. It is also submitted that the power to grant or refuse premature release is discretionary in nature, and unless it is shown to be manifestly arbitrary or perverse, the same does not warrant interference under writ jurisdiction. It is further contended that the petitioner cannot claim premature release as a matter of right, and the case of the co-accused cannot be mechanically



applied as each case is required to be considered on its own facts and merits. Thus, in view of the aforesaid submissions, it is prayed that the present petition, being devoid of merit, deserves to be dismissed.

7. We have heard learned counsel for the parties, perused the pleadings and documents placed on record, including the impugned order dated 02.02.2026, the judgment of conviction as well as the order passed by this Court in earlier round of litigation.
8. It is manifest from a bare perusal of the impugned order that the same is a non-speaking order, completely bereft of reasons. The statutory mandate as engrafted under Rule 358(7)(viii) of the Chhattisgarh Prison Rules, 1968 unequivocally requires that while rejecting a case for premature release, the State Government must assign "reasonable and logical reasons." The requirement of recording reasons is not an empty formality but a substantive safeguard against arbitrary exercise of power. The impugned order, however, does not disclose any application of mind to the relevant facts and circumstances of the case, nor does it reflect consideration of the material placed on record, thereby vitiating the decision-making process.
9. It is further evident that the impugned order does not reflect any consideration of the relevant statutory parameters as contemplated under Rule 358 of the Chhattisgarh Prison Rules, 1968, particularly the factors relating to the nature of the offence, the conduct and behaviour of the prisoner during incarceration,



the opinion of the concerned authorities, and the likelihood of reformation. The decision appears to have been rendered in a mechanical manner without due evaluation of the requisite reports and materials, which are indispensable for a fair and informed adjudication of a claim for premature release, thereby rendering the exercise arbitrary and unsustainable in law.

10. This Court also finds substance in the submission that the respondent Authorities have misdirected themselves in interpreting Rule 358(6)(ix) by equating involvement in a single case involving multiple victims with “guilty of murder in two or more cases.” The expression employed in the Rule is clear and unambiguous, referring to distinct cases and not to the number of victims in a single occurrence. Such an erroneous interpretation defeats the legislative intent and results in an impermissible expansion of the scope of the disqualification, thereby vitiating the impugned decision.
11. In light of the aforesaid, this Court is of the considered view that the impugned order dated 02.02.2026 is liable to be set aside. Accordingly, the same is hereby quashed and the matter is remanded back to the competent authority to reconsider the petitioner’s case afresh, strictly in accordance with law and in the light of the observations made hereinabove. The respondent authorities shall pass a reasoned and speaking order after due consideration of all relevant factors and materials, within a period of 4 weeks from the date of receipt of a certified copy of this order.



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12. The writ petition is accordingly **disposed of** in the above terms.

No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Manpreet