



2026:CGHC:17345-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 200 of 2026**

Brijram S/o Late Shri Firangi Sahu Aged About 61 Years R/o Village - Sonesilli, Police Station - Gobra Nawapaara, District Raipur Chhattisgarh Presently Is Prisoner No. 9172/124 In Central Jail, Raipur, District Raipur Chhattisgarh

... Petitioner**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 492002

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

... Respondents

For Petitioner : Mr. K. Rohan, Advocate

For Respondents/State : Ms. Anusha Naik, Dy. Govt. Advocate

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 as well as Ms. Anusha Naik, learned Dy. Government Advocate, appearing for the State/respondents.



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

- “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 Remission of Sentence has been incorrectly rejected by invoking Rule 3548(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. Brief facts of the case are that the Petitioner Brijram is the Prisoner No. 9172/124 and is undergoing the sentence imposed upon in Central Jail, Raipur, District -Raipur (CG). The Petitioner along with 15 other co-accused persons was tried for offences punishable under Section 148, 302/149 (three times), 460, 323/149 and 342 of the IPC for the allegation that the accused persons on 06.04.2009 at around 10:00 PM assembled and fought among themselves with dangerous weapons which resulted in the death of 3 persons namely - Bhagirathi Sahu, Heman and Kejai Bai. After evaluation of statements of the witnesses and the materials available on record, the learned Additional Sessions Judge, Gariyaband, District Raipur (CG) vide the Judgment dated 17.10.2011 passed in Sessions Case No.38/2009 has convicted and sentenced all the accused persons i.e. the Petitioner and the 15 other



co-accused persons under Section 148 of the IPC with Rigorous Imprisonment for 3 years, under Section 302/149 (Three Times) of the IPC with Rigorous Imprisonment for Life along with Fine of Rs. 1,000/-, under Section 460 of the IPC with Rigorous Imprisonment for 10 years along with Fine of Rs. 1,000/-, under Section 323/149 of the Indian Penal Code, 1860 with Rigorous Imprisonment for 01 year, under Section 342 of the IPC with Rigorous Imprisonment for 03 months and upon failure to deposit the Total Fine amount of Rs. 4,000/-, Rigorous Imprisonment for 04 Months additionally for each of the accused.

4. Being aggrieved by the same and assailing the legality, validity, correctness and propriety of the Judgment dated 17.10.2011 passed by the Additional Sessions Judge, Gariyaband, District - Raipur (CG) in Sessions Case no. 38/2009 (Annexure P/2), the Petitioner and the 15 other co-accused persons preferred two Criminal Appeals namely Criminal Appeal no. 315/2012 by the Petitioner along with 7 other accused persons and Criminal Appeal no. 835/2011 by the remaining other 8 accused persons. This Court vide Judgement dated 08.11.2017 dismissed the Criminal Appeal No. 315/2012 preferred by the Petitioner along with 7 other accused persons and Criminal Appeal No. 835/2011 preferred by the remaining co-accused persons was allowed. Special Leave Petitions preferred assailing the Judgement dated 08.11.2017 passed in Criminal Appeal no. 315/2012 has also been dismissed.

5. It is further case of the petitioner that he was first arrested on and is in Jail since 06.04.2009 and as on date, the Petitioner has served the actual imprisonment of almost 17 years and almost 21 years and 06



months of imprisonment including Remission.

6. It is further case of the petitioner that upon fulfilling the conditions and becoming eligible for premature release of prisoners sentenced to imprisonment of life under the provisions of the Chhattisgarh Prison Rules, 1968; the Jail Superintendent, Central Jail, Raipur, District Raipur (CG) vide letter dated 18.05.2024 sought the opinion from the Presiding Judge for the premature release of the Petitioner herein. The Presiding Judge vide Memorandum dated 12.06.2024 rendered the Opinion that the Petitioner's Application for the grant of Remission may be accepted. The Petitioner's Application for the grant of Remission was rejected vide Order dated 27.03.2025 and communicated vide letter dated 08.04.2025. The letter dated 08.04.2025 was assailed by the Petitioner by preferring Writ Petition (Criminal) No. 362/2025 which was disposed off by this Court vide dated 17.07.2025, observing as under :-

“4. From perusal of the order dated 27.03.2025 passed by the respondent No.1, it transpires that the same has been passed just on basis of the bar/ban given in Rule 358(3)(g) (two) of C.G. Prisons Rule 1968 and not on merits and further, the provision given in Rule 358 of C.G. Prisons Rule 1968 has been amended vide notification dated 23.04.2025 and at present, there is no bar/ban on pre-mature release of the prisoners convicted under section 302/149 of the IPC, therefore, the petitioner is eligible to be considered for pre-mature release under Section 473 of the BNSS 2023 (432 of the Cr.P.C.).

*5. In view of the above facts and circumstances, the present petition stands **disposed off**. The petitioner is directed to make fresh application for remission in view*



of the amended provision given in Rule 358 of C.G. Prisons Rule, 1968 and the same shall be considered by the concerned authority within a period of six weeks from the date of receipt of such application, in accordance with law.”

7. In pursuance of the directions issued by this Court, the petitioner submitted fresh application for remission in view of the amended provision given in Rule 358 of C.G. Prisons Rule, 1968, which was considered and rejected vide impugned order dated 02.02.2026 by invoking Rule 358(7)(viii) of the Chhattisgarh Jail Rules, 1968. Being aggrieved by the same, the instant petition has been filed by the petitioner with the aforementioned prayers.

8. Learned counsel for the petitioner submitted that the impugned order dated 02.02.2026 (Annexure P/1) is vitiated by complete non-application of mind and is liable to be set aside being a non-speaking and mechanical order. A bare perusal of the same would reveal that the Respondent Authorities have failed to assign any reasons whatsoever, much less cogent or intelligible reasons, for rejecting the Petitioner's case for premature release. The order does not even advert to or discuss the relevant statutory framework under Rule 358 of the Chhattisgarh Prison Rules, 1968, thereby rendering the decision arbitrary and in violation of the settled principle that “reasons are the soul of justice” and a necessary safeguard against arbitrary exercise of power.

9. It is further submitted that the Respondent Authorities have acted in gross disregard of the mandatory requirements under the amended Rule 358, particularly sub-rule (4) and sub-rule (7), which obligate the



competent authority to consider all relevant materials including reports of the Collector, Superintendent of Police, jail authorities, and the opinion of the Court, along with an assessment of the prisoner's conduct and likelihood of reoffending. The impugned rejection order fails to demonstrate consideration of these mandatory factors and also does not disclose any inquiry or reports having been called or examined. In absence of adherence to the prescribed procedure and statutory safeguards, the impugned order is unsustainable in law and deserves to be quashed.

10. On the other hand, learned State counsel submitted that the impugned order dated 02.02.2026 (Annexure P/1) does not suffer from any illegality, arbitrariness, or non-application of mind, as alleged. The decision regarding premature release under Rule 358 of the Chhattisgarh Prison Rules, 1968 lies within the domain of subjective satisfaction of the competent authority based on a comprehensive evaluation of the relevant inputs including jail conduct, nature and gravity of offence, and the likelihood of reoffending. A mere absence of elaborate narration of reasons does not render the order non-speaking when the decision is founded on relevant material and is in consonance with the statutory framework. The requirement of reasons must be understood in a pragmatic manner and not as a mandate for detailed judgment-like reasoning in administrative orders of this nature.

11. We have heard learned counsel for the parties and considered their rival submissions.

12. From perusal of the impugned order dated 02.02.2026 (Annexure



P/1), it reveals that the claim of the petitioner for consideration of premature release under Rule 358 of the Chhattisgarh Prison Rules, 1968 has been rejected without recording adequate reasons and without reflecting due consideration of the mandatory statutory parameters prescribed under the said Rules. The order does not disclose application of mind to the relevant factors such as the reports of the jail authorities, the opinion of the District Magistrate and Superintendent of Police, as well as the statutory guidelines governing assessment of conduct and probability of reformation, which are essential constituents of the decision-making process under Rule 358

13. In view of the aforesaid, the impugned order dated 02.02.2026 (Annexure P/1) cannot be sustained in the eyes of law and is hereby set aside. The matter is remitted to the competent authority/State Sentence Review Board to reconsider the case of the petitioner afresh, strictly in accordance with the provisions of Rule 358 of the Chhattisgarh Prison Rules, 1968, and in light of all relevant materials and reports, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a certified copy of this order and pass a reasoned and speaking order.

14. With the aforesaid observation and direction, the instant petition stands disposed of.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**