



2026:CGHC:17728-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 199 of 2026**

Santosh Sahu S/o Shri Asharam Sahu, Aged About 44 Years R/o-
Village- Sonesilli, Police Station- Gobra Nawapaara, District-Raipur
(C.G) Presently Is Prisoner No. 9167/ 124 In Central Jail, Raipur,
District-Raipur (C.G.)

... 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 (C.G.) Pin Code –
492002
2. Under Secretary Department of Jail, Government of Chhattisgarh
Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Raipur,
District-Raipur (C.G.) Pin Code- 492002
3. Director General, Prisons and Correctional Services , Jail
Headquarters, Sector-19, Nava Raipur, Atal Nagar, Raipur,
District-Raipur (C.G), Pin Code-492002
4. Jail Superintendent Central Jail, Raipur, District-Raipur (C.G.) Pin
Code-492001



5. Collector, Raipur, District-Raipur (C.G.), Pin Code-492001

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. K. Rohan, Advocate.
For Respondent/State	:	Mr. Saumya Rai, Deputy Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

20.04.2026

1. Heard Mr. K. Rohan, learned counsel for the petitioner. Also heard Mr. Saumya Rai, learned Deputy 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 premature release from prison has been incorrectly rejected by invoking 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



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.”

3. Learned counsel for the petitioner submits that the petitioner, along with 15 other co-accused persons, was tried for offences punishable under Sections 148, 302/149, 460, 323/149 and 342 of the Indian Penal Code. Vide judgment and order dated 17.10.2011 passed in Sessions Trial No. 38 of 2009 by the learned Additional Sessions Judge, Gariyaband, District Raipur (C.G.), the petitioner and the co-accused were convicted and sentenced to imprisonment for life (thrice) under Section 302/149 of the IPC, rigorous imprisonment for ten years under Section 460 of the IPC, along with other sentences.

4. It is further submitted that the petitioner, along with seven other co-accused, preferred CRA No. 315 of 2012 before this Court, while the remaining co-accused preferred CRA No. 835 of 2011. This Court, vide judgment dated 08.11.2017, dismissed CRA No. 315 of 2012, whereas CRA No. 835 of 2011 was allowed. The petitioner thereafter preferred SLP(Crl.) No.4433 of 2018 before the Hon'ble Supreme Court, which came to be dismissed on 16.07.2018. The petitioner is presently lodged in Central Jail, Raipur and has undergone more than 22 years of imprisonment including remission and more than 19 years, 08 months and 10 days of actual incarceration.



5. Learned counsel submits that upon becoming eligible for consideration of premature release under the Chhattisgarh Jail Rules, 1968, the Jail Superintendent sought opinion from the learned Presiding Judge, who, vide memo dated 12.06.2024, expressed no objection. However, the petitioner's application was rejected on the ground of bar under Rule 358. The petitioner earlier approached this Court in WPCR No. 357 of 2025, wherein liberty was granted to file a fresh application in light of the amended Rule 358. Despite submitting a fresh application, the same has been rejected by the impugned order dated 02.02.2026.

6. Learned counsel for the petitioner further submits that Rule 358(6)(ix) applies only where a prisoner is guilty of murder in "two or more cases". It is contended that the petitioner's conviction arises out of a single incident and a single sessions trial, and therefore the Rule has been wrongly applied. It is further submitted that the impugned order is mechanical and suffers from non-application of mind.

7. It is further contended that the petitioner has maintained satisfactory conduct in jail. It is also submitted that in the case of a similarly situated co-accused, namely Rakesh Sahu, this Court in WPCR No. 108 of 2026, vide order dated 23.02.2026, has already quashed a similar rejection order and held him entitled to premature release under the Rules. Therefore, the petitioner is also entitled to parity.

8. *Per contra*, learned State counsel submits that the petitioner has been convicted for three counts of murder and the gravity of the offence warrants strict application of Rule 358(6)(ix). It is contended that the



Rule must be purposively interpreted and that the petitioner has not completed 20 years of actual imprisonment.

9. We have heard learned counsel for the parties and perused the material available on record.

10. The controversy in the present case revolves around the interpretation of Rule 358(6)(ix) of the Chhattisgarh Jail Rules, 1968, which provides that a prisoner “who is guilty of murder in two or more cases” shall be considered for premature release only after completion of 20 years of actual imprisonment.

11. The expression used in the Rule is “two or more cases” and not “two or more murders”. The distinction is clear and significant. In criminal law, a “case” refers to a distinct prosecution arising from a separate incident culminating in a separate trial. The Rule, therefore, applies only where a person is convicted in two or more distinct cases of murder.

12. In the present case, it is undisputed that the petitioner was tried and convicted in a single sessions trial arising out of one incident. Merely because there are multiple victims does not convert a single case into multiple cases. The interpretation adopted by the respondent authorities equating “multiple murders” with “multiple cases” is contrary to the plain language of the Rule and legally unsustainable.

13. It is well settled that executive authorities must act strictly within the framework of statutory provisions and cannot expand their scope by interpretative processes. The impugned order, being based on a



manifestly erroneous interpretation of Rule 358(6)(ix), is liable to be set aside.

14. Apart from the above, the record reveals that the petitioner has undergone more than 22 years of imprisonment including remission and over 19 years of actual incarceration; his conduct in jail is satisfactory; and no adverse opinion has been expressed by the competent authorities.

15. Further, in the case of similarly situated co-accused Rakesh Sahu, this Court in WPCR No. 108 of 2026 has already granted relief on identical grounds. Denial of similar benefit to the present petitioner would be violative of the principle of parity and Article 14 of the Constitution of India.

16. The Hon'ble Supreme Court in ***State of Haryana v. Jagdish***, reported in **(2010) 4 SCC 216** and ***Laxman Naskar v. State of West Bengal***, **(2000) 7 SCC 626** has held that consideration for premature release must be fair, reasonable and based on relevant factors.

17. Accordingly, the impugned order dated 02.02.2026 is quashed and set aside.

18. It is declared that Rule 358(6)(ix) of the Chhattisgarh Jail Rules, 1968 is not applicable to the case of the petitioner.

19. In view of the petitioner's long incarceration, satisfactory conduct, and absence of any statutory embargo, the petitioner is held entitled to the benefit of premature release.



20. The respondent authorities are directed to release the petitioner forthwith, if not required in any other case, subject to usual terms and conditions.

21. The writ petition stands **allowed**. No order as to costs.

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

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