



2026:CGHC:18853-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 227 of 2026

Gaurishankar Kaivart S/o Surit Ram Kaivart Aged About 32 Years R/o
Village Kishanpur Block Pithora District Mahasamund (C.G.)

... Petitioner(s)

versus

**1 - State Of Chhattisgarh Through The District Magistrate Mahasamund,
District Mahasamund (C.G.)**

2 - Superintendent Of Police Mahasamund (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Awadh Tiwari, Advocate along with Mr.
Kishan Kumar Yadav, Advocate

For Respondent(s) : Mr. N. K. Jaiswal, Dy. G.A.

Hon'ble Shri Justice Ramesh Sinha, Chief Justice
Hon'ble Shri Justice Ravindra Kumar Agrawal, Judge
Order on Board

Per Ramesh Sinha, Chief Justice

24.04.2026

1. Heard Mr. Awadh Tiwari, Advocate along with Mr. Kishan Kumar
Yadav, Advocate, learned counsel for the petitioner as well as Mr.

N. K. Jaiswal, learned Dy. Government Advocate, appearing for the State/respondents.

2. The petitioner has filed the instant writ petition under Article 226 of the Constitution of India seeking following relief(s):-

“10.1. That, the Hon'ble Court may kindly allow this petition and quash the impugned order no./497/F-02/S.W./2025, dated 27.05.2025 (ANNEXURE P/1) passed by the learned District Magistrate Mahasamund (C.G.), and grant the petitioner parole of the period of 15 days, in the interest of Justice.

10.2. Any other relief which deemed fit and proper may also be issued looking to the facts and circumstances of the case and looking to the interest of the petitioner.”

3. Learned counsel for the petitioner would submit that, the petitioner has been convicted and sentenced by the learned 1st Additional Sessions Judge, Mahasamund in Session Trial No. 40/2018, whereby he has been convicted and sentenced for life imprisonment and fine of Rs. 1000/- for commission of offence of murder under Section 302 of IPC, RI for 10 years, sentence for a period of 10 years and fine of Rs.1000/- for commission of offence under Section 396 of IPC and RI for 5 years and fine of Rs. 1000/- with default stipulation. Being aggrieved by this conviction, the petitioner has preferred a appeal under Section 374 of CrPC before this Court, but the same has been dismissed by this Court on 06.02.2025. Thereafter the petitioner has preferred for the

parole application before the learned District Magistrate, Mahasamund, which was dismissed by the learned District Magistrate, Mahasamund vide order dated 27.05.2025. The impugned order dated 27.05.2025 passed by the District Magistrate, Mahasamund rejecting the petitioner's parole application is arbitrary, non-speaking, and passed without proper consideration of relevant factors such as conduct of the petitioner, period of incarceration, and purpose of parole. Therefore, the order passed by District Magistrate, Mahasamund dated 27.05.2025 is liable to be set aside and the petition deserves to be allowed.

4. On the other hand, learned counsel for the State opposes the prayer made by the learned counsel for the petitioner and has submitted that the petitioner's application for grant of leave (parole) has been rejected by District Magistrate, Mahasamund vide order dated 27.05.2025 on the recommendation of the concerned Superintendent of Police. The petitioner is an accused for commission of murder of 04 deceased persons and his appeal has also been dismissed by this Court. Looking to the gravity of the offence and possibility of his absconding, his application for parol is rejected by District Magistrate.
5. We have heard learned counsel for the parties and perused the impugned order and the documents annexed.
6. Perusal of the impugned order goes to show that the Superintendent of Police, Mahasamund has expressed opinion

that in view of the memo sent by concerned police station in-charge through authority concerned where objection has been raised on releasing the petitioner on parole/leave, no recommendation is made for temporary leave (parole) in favour of the petitioner. Therefore, the District Magistrate, Mahasamund agreeing with the report has rejected the leave application of the petitioner.

7. Considering the nature of offence for which the petitioner has been convicted for commission of murder of 04 deceased persons, and is undergoing jail sentence, further considering that the appeal preferred by the petitioner has also been dismissed vide order dated 06.02.2025 by this Court and there is possibility of his absconding, the District Magistrate, District Mahasamund has rejected the application of the petitioner for leave (parole) on the recommendation made by the Superintendent of Police, Mahasamund, we do not find any illegality or infirmity in the order impugned dated 27.05.2025 passed by District Magistrate, Mahasamund rejecting the application of the petitioner for grant of leave (parole).
8. Accordingly, the instant petition is liable to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice