



2026:CGHC:21076-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 250 of 2026

Topsingh S/o. Bihari Lal Aged About 37 Years R/o. Devarbija, P.S.-
Bemetara, Dist.- Bemetara (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Home And
Police Affairs, Mahanadi Bhawan, Atal Nagar, Naya Raipur (C.G.)

2 - Secretary Law And Legislative Affairs Department, Mahanadi
Bhawan, Atal Nagar, Nawa Raipur (C.G.)

3 - Under Secretary Jail Department, Mantralaya, Mahanadi Bhawan,
Atal Nagar, Naya Raipur (C.G.)

4 - Director General Prisons The Jail And Correctional Services
Chhattisgarh, Police Head Quarter Sector-19, Atal Nagar, Naya Raipur
(C.G.)

5 - Jail Superintendent Central Jail Durg (C.G.)

6 - Collector Bemetara Dist.- Bemetara (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Wasim Miyan, Advocate (Legal Aid)

For Respondent(s) : Dr. Sourabh Pandey, Dr. A.G.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

06/05/2026

1. Heard Mr. Wasim Miyan, learned counsel for the petitioner through legal aid. Also heard Dr. Sourabh Pandey, learned Dy. Advocate General appearing for Respondent/State.
2. The present petition has been filed by the petitioner with the following relief:-

"10.1 It is, therefore, prayed that this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of petitioner.

10.2 That, this Hon'ble Court may kindly bepleased to set aside the order dated 22.03.2026 (Annexure P/1) passed by respondent No. 3 and may kindly direct the authorities to consider the application of the Petitioner, under Section 432 of Cr.P.C. for grant of remission of the remaining jail sentence and pleased to direct respondent authorities to release the petitioner under the provision of Section 432 of Cr.P.C. or as per other existing provision of law.

10.3 That, Any other relief which may deem fit and proper in the facts and circumstances of the case, may also be granted in the interest of justice."

3. Brief facts of the case are that the present petitioner was convicted under Sections 302/34 of the IPC and sentenced to life imprisonment vide judgment dated 25.07.2013 passed by the learned

Additional Sessions Judge, Bemetara in Sessions Trial No. 62/2011. The conviction was challenged before this Court in Criminal Appeal No. 749/2013, which came to be dismissed on 28.01.2020. Thereafter, the petitioner approached the Hon'ble Supreme Court, however, the appeal was also dismissed vide order dated 28.10.2020. Subsequently, the petitioner, after undergoing substantial period of incarceration, submitted an application for remission of the remaining sentence.

4. Learned counsel for the petitioner would submit that the petitioner has completed more than 14 years of imprisonment, the petitioner applied for remission of the remaining sentence before the competent authorities. The said application was recommended by Respondent No.5 and forwarded by the Director General of Prisons (Respondent No.4) along with relevant reports and judicial opinion. However, the State Government (Respondent No.3) rejected the petitioner's claim for premature release, primarily on the ground of the heinous nature of the offence, adverse reports indicating potential law and order concerns, and the negative recommendation of the State Sentence Review Board, holding the petitioner not fit for remission at present. Being aggrieved by the arbitrary and non-speaking rejection, despite fulfilling the eligibility criteria and completing more than 14 years of custody, the petitioner has filed the present writ petition seeking quashment of the impugned order and direction for reconsideration of his case for remission in accordance with law.

5. He further submits that, the petitioner has already undergone more than 14 years of incarceration i.e., 14 years, 3 months and 19

days as on the date of application, and has thus become entitled for consideration of premature release in accordance with applicable remission policies. Under the amended Rule 358 of the Chhattisgarh Prison Rules, 1968, the State Sentence Review Board is required to conduct an inquiry on eleven specified points under sub-rule (4), which includes consideration of the opinion of the concerned Collector and Superintendent of Police. Clause (iii) of sub-rule (7) mandates that the Board shall consider all relevant aspects, including the opinion of the Court, the report of the Collector, and the jail report regarding the conduct and behaviour of the prisoner. Further, clause (vii) of sub-rule (7) provides that while the State Government may accept or reject the recommendation of the Board, any order of rejection must contain reasonable and logical reasons. It is urged that the impugned order is wholly non-speaking and bereft of cogent reasons, as it merely refers to the gravity of the offence without demonstrating due consideration of the petitioner's long period of incarceration, satisfactory conduct, favourable opinion of the learned Presiding Judge, and other relevant factors mandated under the amended Rule 358.

6. Learned counsel for the petitioner submits that the respondent authorities have rejected the petitioner's application without proper application of mind and without considering the relevant material on record. The impugned order reflects consideration of irrelevant factors while ignoring relevant considerations, thereby rendering the same arbitrary and unsustainable in law. The power under Section 432 of the Cr.P.C. (now Section 473 of the Bharatiya Nagarik Suraksha Sanhita,

2023 (for short, 'BNSS')) is of wide amplitude and its exercise requires recording of proper subjective satisfaction based on objective consideration of all relevant materials. The absence of reasons vitiates the decision-making process. Accordingly, the impugned order dated 22.03.2026 is liable to be set aside.

7. Per contra, learned State counsel opposes the submissions advanced on behalf of the petitioner and contends that the impugned order has been passed strictly in accordance with the amended Rule 358 of the Chhattisgarh Prison Rules, 1968 after due consideration by the State Sentence Review Board. The petitioner stands convicted for grave and serious offences, including under Section 302 of the IPC. The nature and manner of commission of the offence are relevant and permissible considerations while examining a case for premature release. The power under Section 473 of the BNSS (earlier Section 432 of the Cr.P.C.) is discretionary in nature and does not confer any vested or fundamental right upon a convict to claim remission or premature release as a matter of right.

8. We have heard learned counsel for the parties and have perused the pleadings, annexures and the material available on record.

9. From a perusal of the impugned order dated 22.03.2026 and the material placed on record, it prima facie appears that the rejection of the petitioner's application for premature release does not satisfy the mandatory requirements of the amended Rule 358 of the Chhattisgarh Prison Rules, 1968. The Rule obligates the State Sentence Review Board to examine the case on the parameters prescribed under sub-

rule (4), including the opinion of the sentencing Court, the report of the Collector and Superintendent of Police, and the jail conduct report. Further, sub-rule (7)(vii) mandates that in case of rejection, the State Government must assign reasonable and logical reasons. The impugned order, however, merely refers to the gravity of the offence and a generalized apprehension of adverse societal impact, without reflecting due consideration of the petitioner's long incarceration of more than 14 years (including remission), his satisfactory jail conduct, repeated parole releases without any adverse report, and the opinion of the Presiding Judge expressing no objection to remission.

10. The power under Section 473 of the BNSS (earlier Section 432 of the Cr.P.C.), though discretionary, must be exercised upon objective consideration of relevant materials and supported by recorded subjective satisfaction. Failure to consider relevant factors, coupled with non-observance of the principle of parity, renders the decision arbitrary and violative of Article 14 of the Constitution of India. In such circumstances, the impugned order warrants interference.

11. Consequently, in view of the aforesaid discussion the writ petition is allowed. The impugned order dated 22.03.2026 is hereby set aside. The respondent-State is directed to forthwith take necessary steps for premature release of the petitioner in accordance with law, if not required in any other case.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice