



2026:CGHC:21096-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 256 of 2026

Dhoni alias Dhuni Yadav S/o Shobharam Yadav Aged About 65 Years
R/o Village- Kodwagodan, P.S.- Kokdoor, District Kabirdham (C.G.)

... Petitioner(s)

versus

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

2 - The Secretary Law And Legislative Affairs Department, Mantralay, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

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

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

5 - Collector (District Magistrate) District Durg (C.G.)

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

... Respondent(s)

For Petitioner(s) : Mr.Chitendra Singh, Advocate

For Respondent(s) : Dr.Saurav Pande, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board



Per Ramesh Sinha, Chief Justice

6.5.2026

1. Heard Mr.Chitendra Singh, learned counsel for the petitioner as well as Dr.Saurav Pande, learned Deputy Advocate General appearing for the respondents/State.
2. The present writ petition has been filed by the petitioner with the following prayers:

“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, the Hon'ble Court may kindly be pleased to set aside the order dated 06/04/2026 (Annexure P/1) passed by respondent No. 3 (Under Secretary, C.G.State Jail Department) and may kindly direct the Respondent authorities to consider the application for grant of remission of the remaining jail sentence of the Petitioner.

10.3 Further, the Hon'ble Court may kindly be pleased to direct respondent authorities for releasing the petitioner under the provision of Section 432 of Cr.P.C. (as amended Section 473 of B.N.S.S,2023)or as per other existing provision of law.

10.4 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. Learned counsel for the petitioner submits that the impugned order dated 06.04.2026, whereby the application of the Petitioner for grant of remission/premature release has been rejected, is arbitrary,



illegal, and unsustainable in the eyes of law. The said rejection has been made solely on the basis of a negative recommendation of the State Sentence Review Board, without any independent application of mind by the competent authority, which is contrary to the settled legal position governing the exercise of powers under Rule 358(7)(viii) of the Chhattisgarh Prison Rules, 1968. It is further submitted that the Petitioner has already undergone the requisite period of incarceration as prescribed under the applicable rules and policies governing premature release of life convicts. The Petitioner's case was duly processed in accordance with law, and the application dated 05.06.2025 was recommended by the Jail Superintendent, Central Jail, Durg, and was forwarded in the prescribed Proforma 'A'. Moreover, the Learned Trial Court had also issued a 'No Objection Certificate', thereby supporting the case of the Petitioner for consideration of remission. These material aspects clearly demonstrate that the Petitioner fulfills the eligibility criteria for premature release.

4. Learned counsel submits that the recommendation of the State Sentence Review Board is merely advisory in nature and cannot be treated as binding upon the competent authority. It is incumbent upon the authority to consider the case of the Petitioner independently by taking into account relevant factors such as the conduct of the prisoner during incarceration, his reformation, the likelihood of his reintegration into society, and other mitigating circumstances. However, in the present case, the impugned order reflects a complete non-application of mind, as it does not disclose any independent reasoning or



consideration of relevant materials. It is also submitted that the impugned order is a non-speaking order, as it fails to assign any cogent reasons for rejecting the Petitioner's application despite favorable recommendations from the Jail authorities and the absence of objection from the Trial Court. Such an order is in clear violation of the principles of natural justice and is liable to be set aside on this ground alone.

5. Learned counsel further submits that the object of incarceration is not merely punitive but reformatory in nature. The Petitioner has undergone a substantial period of imprisonment and has maintained good conduct during his incarceration. The denial of remission in such circumstances defeats the very purpose of reformation and rehabilitation, which are essential facets of the criminal justice system. It is also contended that the authorities have failed to consider relevant materials placed on record, including the recommendation of the Jail Superintendent, the No Objection Certificate issued by the Trial Court, and the Petitioner's eligibility under the applicable rules. Instead, undue weight has been given to the negative recommendation of the State Sentence Review Board, rendering the decision arbitrary and legally unsustainable. Lastly, it is submitted that the delay in deciding the Petitioner's application, coupled with the arbitrary rejection thereof, has caused serious prejudice to the Petitioner. The discretionary power vested in the authorities under the relevant rules is required to be exercised in a fair, reasonable, and judicious manner, which has not been done in the present case. 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.

6. *Per contra*, learned State counsel submits that the petitioner has been convicted for offence under Section 302 read with Section 34 of the Indian Penal Code along with with other two co-accused 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. Apart from the above, the record reveals that the petitioner has undergone more than 16 years of imprisonment including remission, his conduct in jail is satisfactory; and no adverse opinion has been expressed by the competent authorities. 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.

13. 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.

14. Accordingly, the impugned order dated 06.04.2026 (Annexure P-1) is quashed and set aside. It is declared that Rule 358(6)(ix) of the Chhattisgarh Jail Rules, 1968 is not applicable to the case of the petitioner.



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

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

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice