



2026:CGHC:9204-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 107 of 2026**

Netram Sahu S/o Gayaram Sahu Aged About 46 Years R/o Village- Newari, Police Station- Suhela, District- Balodabazar-Bhatapara (C.G.) Presently Lodged In Raipur Central Jail, Durg (C.G.) Since In Jail Through His Wife Shakun Sahu, W/o Netram Sahu, Presently Aged About 42 Years, R/o Village- Newari, Police Station- Suhela, District- Balodabazar-Bhatapara (C.G.)

... Petitioner(s)**versus**

1. State of Chhattisgarh Through - Additional Secretary, Home (Jail) Department, Government of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)
2. Director General (Prisons And Rehabilitation Services) Jail Department, Jail Headquarters, Sector-19, Nava Raipur, Atal Nagar, Raipur (C.G.)
3. Jail Superintendent Raipur, Central Jail, Raipur (C.G.)
4. Collector Balodabazar-Bhatapara, District- Balodabazar-Bhatapara (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Ms. Aditi Singhvi, Advocate.
For Respondent/State	:	Mr. Priyank Rathi, Government Advocate.



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

Per Ramesh Sinha, Chief Justice

23.02.2026

1. Heard Ms. Aditi Singhvi, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents.
2. The present writ petition has been filed by the petitioner with the following prayers:

“10.1 The Hon’ble Court may kindly be pleased to quash the order dated 05.01.2026 (Annexure P/1) passed by the respondent authorities and direct the respondent State to prematurely release the petitioner, in accordance with law, in the interest of justice.

10.2 This Hon’ble Court may kindly be pleased to grant any other relief as it may deem fit in the interest of justice.”

3. Learned counsel for the petitioner submits that the petitioner stands convicted for the offences punishable under Sections 147, 148, 452, 302/149, 427, 435/149, 325/149 and 323/149 of the Indian Penal Code, 1860 and was sentenced to undergo imprisonment for life under Section 302 of the IPC vide judgment dated 04.11.2011 passed by the learned Special Judge (Atrocities), District Raipur (C.G.) in Sessions Case No. 47 of 2008. The said judgment of conviction and order of



sentence were affirmed by this Court in CRA No. 42 of 2012. The Special Leave Petition preferred by the petitioner, being SLP (Crl.) No. 562 of 2015, was also dismissed by the Hon'ble Supreme Court vide order dated 03.03.2017.

4. It is further submitted by the learned counsel for the petitioner that the petitioner is presently lodged in Central Jail, Raipur and is serving the sentence of life imprisonment. As of August, 2025, he has completed more than 22 years, 03 months and 28 days of imprisonment including remission earned, and more than 17 years and 6 months of actual incarceration. As on date, he has completed more than 22 years of total imprisonment. Upon becoming eligible for consideration of premature release under the provisions of the Chhattisgarh Prison Rules, 1968, an opinion was sought from the learned Presiding Judge. Vide memo dated 27.09.2024, the learned Presiding Judge opined that the Court had no objection if the petitioner was granted remission of sentence.

5. Learned counsel for the petitioner further contended that earlier, the petitioner's application for remission was rejected by order dated 22.04.2025 on the ground that his case could not be considered in view of the bar contained under Rule 358 of the Chhattisgarh Prison Rules, 1968. The said order was challenged before this Court in WPCR No. 430 of 2025. Vide order dated 29.07.2025, this Court granted liberty to the petitioner to submit a fresh application in light of the amended Rule 358. Pursuant thereto, the petitioner submitted a fresh application before the prison authorities stating that he had completed more than



22 years of imprisonment including remission and was entitled to consideration for premature release in accordance with law. The said application was forwarded by the respondent authorities to the competent authority for consideration vide letter dated 05.08.2025. It is also submitted that during the period of incarceration, the petitioner was released on parole on 13 occasions and no adverse report has ever been recorded against him. On each occasion, he surrendered within the stipulated time and his conduct in jail has been consistently reported as satisfactory. However, the respondent-State, vide the impugned order dated 05.01.2026, rejected the petitioner's application on the ground that the offence committed was of a serious nature and that his premature release might adversely affect society. The impugned order merely states that considering the gravity of the offence, the State Sentence Review Board, after deliberation, did not recommend his premature release.

6. It is further stated by the learned counsel for the petitioner that the petitioner has not been furnished with the opinions/reports of the Collector and the Superintendent of Police, Baloda Bazar–Bhatapara, despite seeking the same under the Right to Information Act, 2005. 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.

7. 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. It is further submitted that one of the co-accused, namely Tijauram Sahu, has been granted remission vide order dated 15.12.2025 and has already been released. Denial of similar relief to the petitioner, despite comparable circumstances, is arbitrary and



violative of the principle of equality. Accordingly, the impugned order dated 05.01.2026 is liable to be set aside.

8. *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 one 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.

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

10. From a perusal of the impugned order dated 05.01.2026 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 22 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.

11. Another significant aspect requiring consideration is that the co-accused, Tijauram Sahu, who was convicted in the same crime and whose appeal and SLP were also dismissed up to the Hon'ble Supreme Court, has been granted remission vide order dated 15.12.2025. The principle of parity demands that similarly situated convicts arising out of the same occurrence and conviction be treated alike, unless distinguishing features are recorded with cogent reasons. The impugned order does not disclose any distinguishing circumstance justifying differential treatment between the petitioner and the said co-accused.

12. 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.



13. Consequently, in view of the aforesaid discussion and particularly considering that the co-accused Tijauram Sahu has already been granted remission vide order dated 15.12.2025, the writ petition is **allowed**. The impugned order dated 05.01.2026 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**