



2026:CGHC:13926-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 161 of 2026**

Gopal Ram S/o Shiv Kumar Sahu, aged about 36 years Convicted Prisoner No. 3831/2019 R/o Village- Gorakhpur Police Station Sahaspur Lohara District- Kabirdham (C.G.)

... Petitioner**versus**

1 - State of Chhattisgarh Through- The Secretary Department of Home Affairs (Jail) Mahanadi Bhawan New Mantralaya Atal Nagar Nawa Raipur District- Raipur (C.G.)

2 - The Upper Chief Secretary Department of Jail Mahanadi Bhawan New Mantralaya Atal Nagar Nawa Raipur District- Raipur (C.G.)

3 - The Director General Jail and Correctional Services Jail Headquarter Sector 19 Atal Nagar Nawa Raipur, District- Raipur (C.G.)

4 - The Superintendent of Jail Central Jail- Durg District- Durg (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner : Mr. Abhishek Saraf, 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

24.03.2026

1. Heard Mr. Abhishek Saraf, 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 That, the Hon'ble Court may kindly be pleased to set aside the impugned order 14-02-2026 passed by the Respondent no.2 (Annexure P/1) and kindly grant the remission prescribed under section 473 of the BNSS/432(2) of the Cr.P.C.

10.2 That, the Hon'ble Court may kindly be pleased to further issue an appropriate writ by directing the respondent's authority to proceed the petitioner's matter for grant of remission under section 432(2) Cr.P.C. in accordance with law laid down by the Hon'ble Apex Court and take decision accordingly afresh for grant of remission to the petitioner within stipulated time and disposed off the petition with that directions as passed in similar matter by this Hon'ble Court in WP(Cr.)No. 445/2025 Deepan Singh order dated 05-08-2025.

10.3 Any other relief which this Hon'ble Court may deem fit and proper in favour of the petitioner may kindly be passed.”

3. Learned counsel for the petitioner submits that submitted that the Petitioner herein has been convicted on 29-01-2021 for offences punishable under Section 302, 392, 120-B, 201 of IPC by the learned Additional Session's Judge Bemetara, District Durg (C.G.) passed in Sessions Trial No. 26/2009 and he is in jail since 26.05.2009 and is undergoing R.I. for life imprisonment and fine and Cr.A No. 135/20211 filed against the said impugned judgment of conviction and order of sentence has also been dismissed by this Hon'ble High Court by upholding the judgment of conviction. He further submitted that the



Petitioner is in custody since 26.05.2009 and has undergone more than 20 years of incarceration as on 10.06.2025, thereby becoming eligible for consideration of remission under the applicable policy. During this long period, the Petitioner has maintained good conduct in jail, has shown signs of reformation, and has expressed genuine remorse for his past actions. He has undertaken that he shall not repeat any such offence and desires to reintegrate into society to lead a peaceful life with his family while fulfilling his social and personal responsibilities. He further submits that the learned First Additional Sessions Judge, Bemetara, by order dated 03.12.2024, has given a positive “no objection” opinion for grant of remission, and the Superintendent, Central Jail, Durg, has also recommended his case for remission. It is further submitted that despite the positive recommendations of the trial Court and jail authorities, the District Magistrate, Bemetara, arbitrarily rejected the Petitioner’s claim on 16.09.2025 on vague and speculative grounds, merely stating that there is a possibility of the Petitioner reoffending in future, without any material basis or objective assessment. The subsequent rejection dated 14.02.2026 by Respondent No. 2 is also cryptic and non-speaking, as it relies solely on the negative opinions of the District Magistrate and Superintendent of Police without independent application of mind. The authorities have failed to properly consider relevant factors such as the Petitioner’s long incarceration, reformation, good conduct, and favorable recommendations, thereby rendering the impugned orders arbitrary and violative of principles of fairness, as such, the denial of remission



defeats the reformatory purpose of punishment and is contrary to law governing remission under Section 432 of the Code of Criminal Procedure. Therefore, he prayed that the impugned orders be set aside and the Respondents be directed to grant remission and release the Petitioner prematurely, or in the alternative, reconsider his case in a fair, just, and reasoned manner in accordance with law.

4. *Per contra*, learned State counsel submitted that the Petitioner has been convicted for grave and heinous offences punishable under Sections 302, 392, 120-B, and 201 of the Indian Penal Code, involving serious acts against society, and is undergoing life imprisonment pursuant to a duly affirmed judgment of conviction. The appeal preferred by the Petitioner has already been dismissed by the Hon'ble High Court, thereby upholding the findings of the learned trial court. Considering the nature and gravity of the offences, the manner in which they were committed, and their adverse impact on society at large, the case of the Petitioner does not warrant exercise of discretionary relief of remission. It is further submitted that the competent authorities, including the District Magistrate and Superintendent of Police, Bemetara, after due consideration of all relevant aspects, have given **negative opinions** regarding grant of remission to the Petitioner. The apprehension recorded by the District Magistrate that there exists a likelihood of the Petitioner reverting to criminal activities cannot be said to be unfounded, as such opinions are based on local inputs, antecedents, and overall assessment of the Petitioner's suitability for release. Under Section 432(2) of the Code of Criminal Procedure, such opinions are relevant



and have rightly been relied upon by the State Government while rejecting the Petitioner's claim. It is also submitted that grant of remission is not a matter of right but a matter of policy and discretion to be exercised by the State in larger public interest. The mere completion of a particular period of incarceration or good conduct in jail does not automatically entitle a convict to premature release, especially in cases involving serious offences like murder and conspiracy. The impugned orders dated 16.09.2025 and 14.02.2026 have been passed after due consideration and do not suffer from any illegality or arbitrariness warranting interference by this Hon'ble Court. Accordingly, the present petition being devoid of merit deserves to be dismissed.

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

6. The Petitioner stands convicted for offences punishable under Sections 302, 392, 120-B and 201 of the IPC and is in custody since 26.05.2009. It is not in dispute that the Petitioner has completed more than 20 years of incarceration as on 10.06.2025. The material placed on record further reveals that the learned First Additional Sessions Judge, Bemetara, by order dated 03.12.2024, has given a positive "no objection" opinion for grant of remission, and the Superintendent, Central Jail, Durg, has also recommended the case of the Petitioner on the basis of his satisfactory conduct and reformation during incarceration.

7. The rejection of the Petitioner's claim by the District Magistrate dated 16.09.2025 and its affirmation by Respondent No. 2 vide order



dated 14.02.2026 are primarily founded upon a negative opinion expressing apprehension of possible future criminal conduct. However, such rejection does not disclose any objective material and is evidently based on conjectures. This Court finds that the impugned orders are non-speaking and reflect non-application of mind, particularly when the relevant considerations such as long incarceration, good conduct, reformation, and favorable recommendations have not been duly weighed.

8. At this juncture, it is apposite to refer to Section 358(7)(viii) of the Chhattisgarh Jail Manual / Chhattisgarh Prison Rules, 1968, which contemplates consideration of premature release of life convicts who have undergone the prescribed period of sentence, subject to assessment of their conduct, reformation, and overall suitability for reintegration into society. The said provision embodies the reformative approach of penology and mandates that eligible prisoners be considered fairly and objectively. In the present case, the Petitioner satisfies the eligibility criteria inasmuch as he has completed more than the requisite period of incarceration and has maintained good conduct, as also reflected from the recommendation of the jail authorities. The adverse opinion of the District Magistrate, in absence of supporting material, cannot override the statutory scheme and the reformative intent underlying the said provision.

9. It is well settled that though remission under Section 432 of the Code of Criminal Procedure is discretionary, such discretion must be exercised in a fair, reasonable and non-arbitrary manner. The Hon'ble



Supreme Court in *Laxman Naskar v. State of West Bengal*, reported in *(2000) 7 SCC 626*, has laid down that while considering premature release, authorities must evaluate factors such as whether the offence affects society at large, the likelihood of recurrence, and the potential for the convict's reformation. Similarly, in *Epuru Sudhakar v. Government of Andhra Pradesh*, reported in *(2006) 8 SCC 161* it has been held that orders relating to remission are subject to judicial review if they are arbitrary, mala fide, or based on irrelevant considerations. Further, in *State of Haryana v. Jagdish*, reported in *(2010) 4 SCC 216*, the Hon'ble Supreme Court has emphasized that the benefit of remission policy must be extended in a fair and consistent manner.

10. The philosophy underlying premature release is reformatory rather than retributive. Long incarceration coupled with demonstrated good conduct and positive reports from competent authorities entitles a prisoner to objective and fair consideration under the applicable Rules. Once the statutory bar is found inapplicable, and the relevant authorities have not expressed any adverse opinion, denial of premature release on a misconceived interpretation of the Rule amounts to arbitrariness and offends the mandate of Article 14 of the Constitution of India.

11. Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that the rejection of the Petitioner's claim is based on mere conjectures and not on any cogent material. The positive opinion of the sentencing Court and recommendation of the jail authorities have not been assigned due weightage. The impugned orders, therefore, cannot be sustained in the eyes of law.



12. Considering his long period of incarceration, satisfactory conduct, favorable opinions of the competent authorities and absence of any statutory embargo, this Court holds that the petitioner is entitled to the benefit of premature release. The action of the respondent authorities in denying such benefit on an erroneous interpretation of the Rule is arbitrary and violative of Article 14 of the Constitution of India, as explained in *E.P. Royappa v. State of Tamil Nadu*, reported in (1974) 4 **SCC 3**.

13. In view of the foregoing discussions, the petition is **allowed**. The impugned orders dated 16.09.2025 passed by the District Magistrate and its affirmation by Respondent No. 2 vide order dated 14.02.2026 are hereby quashed and set aside. The Respondents are directed to grant the benefit of remission to the Petitioner and release him forthwith, if not required in any other case, subject to compliance with usual terms and conditions as may be imposed under the Chhattisgarh Jail Rules, 1968. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice