



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 332 of 2026

1 - Manish Kumar Ratre S/o Kejauram Ratre Aged About 38 Years R/o Village Chherkadih, P.S. Palari, District Raipur (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary Department Of Jail, Mahanadi Bhawan Mantralaya Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh.

2 - Additional Secretary Govt. Of Chhattisgarh, Department Of Jail, Mahanadi Bhawan Mantralaya Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh.

3 - Director General Of Jail And Correctional Services Headquarters, Jail And Correctional Services, Sector-19, Nawa Raipur Atal Nagar, Raipur, District Raipur, Chhattisgarh. 492002

4 - Superintendent Of Jail Central Jail Raipur, District Raipur, Chhattisgarh.

... **Respondent(s)**

(Cause title taken from the Case Information System)

For Petitioner(s) : Mr. Krishna Tandon, Advocate on behalf of Mr. Varun Sharma, Advocate.

For Respondent(s) : Mr. N. K. Jaiswal, Dy. Govt. Advocate.

Hon'ble Shri Naresh Kumar Chandravanshi, Judge

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ravindra Kumar Agrawal, Judge

25/06/2026

1 The matter has been listed on default. Upon due consideration, the default pointed out by the Registry is waived.

2 Heard Mr. Krishna Tandon, appearing on behalf of Mr. Varun Shamra,



learned counsel for the petitioner. Also heard Mr. N. K. Jaiswal, learned Dy.

Govt. Advocate, appearing for the Respondent/State.

3 The petitioner has filed this petition under Article 226 of the Constitution of India, praying the following relief(s):-

“10.1 That this Hon'ble Court may be kind enough to call for the records of the case from the Respondents.

10.2 That this Hon'ble Court may kindly be pleased to set-aside the order dated 22/03/2026 (Annexure P/1) passed by the respondent no.1/State Government.

10.3 That this Hon'ble Court may kindly be pleased to issue a writ of mandamus thereby directing the respondents to release Petitioner granting remission under the provisions of section 473 of the Bhartiya Nagarik Suraksha Samhita, 2023 (Section 432 Of Cr.P.C.).

10.4 That this Hon'ble court may be further pleased to pass any other consequential and other orders/ writs which this Hon'ble court deems just and proper in the facts and circumstances of the case.”

4 Learned counsel for the petitioner submits that the petitioner herein was convicted vide judgment dated 29.06.2013 passed by the learned First Additional Sessions Judge, Balodabazar, in Sessions Trial No. 28/2011 for offences punishable under Sections 506 Part-II, 450, 148, 302/149, 307/149 and 323/149 of the Indian Penal Code and was sentenced to undergo imprisonment for life along with fine. The petitioner was taken into custody on 07.11.2010 and is continuously undergoing the sentence awarded to him. It is submitted that Criminal Appeal No. 696/2013 preferred by the petitioner was dismissed by this Court vide judgment dated 07.02.2019 and thereafter Special Leave Petition (Criminal) No. 41389/2019 was also dismissed by the Hon'ble Supreme Court on 15.07.2022. Learned counsel further submits that the petitioner has undergone more than 15 years of actual incarceration and



has completed the requisite period for consideration of remission under the applicable Prison Rules. During his incarceration, the petitioner has maintained good conduct and his behaviour has been found satisfactory and reformatory by the jail authorities. It is further submitted that the Superintendent, Central Jail, Raipur, vide communication dated 30.07.2025, sought the opinion of the Court of conviction regarding grant of remission to the petitioner and the learned First Additional Sessions Judge, Balodabazar, vide order dated 25.08.2025, furnished a positive recommendation in favour of the petitioner. Learned counsel submits that despite the favourable recommendations of both the Court of conviction and the jail authorities, the State Government, vide the impugned order dated 22.03.2026, rejected the petitioner's claim for remission solely on the basis of the adverse recommendation made by the Chhattisgarh State Punishment Review Board. It is contended that the impugned order is arbitrary, unreasonable and contrary to the amended Prison Rules notified on 23.04.2025, whereby the earlier bar on consideration of remission has been removed. It is further submitted that this Court, in *Manoj Sahu v. State of Chhattisgarh & Others*, W.P. (Cr.) No. 178/2026, decided on 06.04.2026, has already granted relief in similar circumstances and, therefore, the present petitioner is also entitled to the same relief on the ground of parity.

5 Per contra, learned State counsel submits that the petitioner has been convicted for serious offences punishable under Sections 506 Part-II, 450, 148, 302/149, 307/149 and 323/149 of the Indian Penal Code and is undergoing life imprisonment pursuant to the judgment dated 29.06.2013 passed by the learned First Additional Sessions Judge, Balodabazar, in Sessions Trial No. 28/2011. It is submitted that the conviction and sentence awarded to the petitioner have attained finality, as Criminal Appeal No.



696/2013 preferred by him has been dismissed by this Court on 07.02.2019 and the Special Leave Petition (Criminal) No. 41389/2019 has also been dismissed by the Hon'ble Supreme Court on 15.07.2022. Learned State counsel further submits that the State Government, after considering the recommendation of the Chhattisgarh State Punishment Review Board and all other relevant materials placed before it, has rejected the petitioner's claim for remission vide order dated 22.03.2026. It is contended that remission cannot be claimed as a matter of right and the competent authority is required to take into consideration various factors, including the nature and gravity of the offence, its impact on society, and the overall suitability of the convict for premature release. It is further submitted that the adverse recommendation made by the State Punishment Review Board constituted relevant material for consideration and, therefore, the decision of the State Government cannot be said to be arbitrary or illegal. On these grounds, learned State counsel prays for dismissal of the writ petition.

6 It is further submitted that grant of remission is neither a matter of right nor an automatic consequence of completion of the prescribed period of incarceration or maintenance of good conduct in jail, but is subject to consideration by the competent authority in accordance with the applicable statutory provisions and policy guidelines. Learned State counsel contends that the petitioner stands convicted for grave offences, including the offence punishable under Section 302 read with Section 149 of the Indian Penal Code, and therefore all relevant factors, including the nature and seriousness of the crime, are required to be taken into account while considering his case for premature release. It is submitted that the impugned order dated 22.03.2026 has been passed by the State Government after considering the recommendation of the Chhattisgarh State Punishment Review Board and



other relevant materials available on record and, therefore, the same does not suffer from any illegality, arbitrariness or perversity warranting interference by this Court in exercise of its writ jurisdiction. Learned State counsel further submits that the judgment rendered by this Court in *Manoj Sahu v. State of Chhattisgarh & Others* [W.P. (Cr.) No. 178/2026, decided on 06.04.2026] was passed in the facts and circumstances of that particular case and would not automatically entitle the present petitioner to claim identical relief as a matter of right. On these grounds, it is prayed that the writ petition deserves to be dismissed.

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

8 The petitioner stands convicted for offences punishable under Sections 506 Part-II, 450, 148, 302/149, 307/149 and 323/149 of the Indian Penal Code and is in custody since 07.11.2010. It is not in dispute that the petitioner has undergone more than 15 years of actual incarceration and has completed the requisite period for consideration of remission under the applicable Prison Rules. The material placed on record further reveals that the Superintendent, Central Jail, Raipur, vide communication dated 30.07.2025, sought the opinion of the Court of conviction regarding grant of remission to the petitioner, and the learned First Additional Sessions Judge, Balodabazar, by order dated 25.08.2025, furnished a positive recommendation in favour of the petitioner. The records further indicate that the conduct of the petitioner during his incarceration has been found to be satisfactory and reformatory, on the basis of which the jail authorities also recommended his case for grant of remission.

9 The rejection of the petitioner's claim for remission by the State



Government vide the impugned order dated 22.03.2026 is primarily founded upon the adverse recommendation of the Chhattisgarh State Punishment Review Board. However, a perusal of the impugned order reveals that despite the positive recommendation furnished by the learned First Additional Sessions Judge, Balodabazar, as well as the favourable assessment made by the jail authorities regarding the petitioner's conduct and reformation, the claim for remission has been rejected without assigning any specific or substantive reasons as to why such favourable considerations were found insufficient. The impugned order does not disclose any objective material indicating that the petitioner's release would be detrimental to society or that he is likely to indulge in criminal activities in future. This Court also takes note of the decision rendered in *Manoj Sahu v. State of Chhattisgarh & Others* [W.P. (Cr.) No. 178/2026, decided on 06.04.2026], wherein relief was granted in similar circumstances. Though each case is required to be examined on its own facts and parity cannot be claimed as a matter of right, the said decision constitutes a relevant circumstance while examining the legality and fairness of the impugned order passed in the present case.

10 At this juncture, it is apposite to refer to the provisions governing remission under the Chhattisgarh Prison Rules, 1968, as amended vide Notification dated 23.04.2025, read with Section 432 of the Code of Criminal Procedure, 1973 [now Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023], which contemplate consideration of premature release of eligible life convicts upon completion of the prescribed period of sentence, subject to an assessment of their conduct, reformation and overall suitability for reintegration into society. The underlying object of the said provisions is reformatory rather than retributive and requires the competent authorities to undertake a fair, objective and reasoned consideration of the case of an



eligible prisoner. In the present case, it is not disputed that the petitioner has completed the requisite period of incarceration for consideration of remission and that his conduct in jail has been found satisfactory. The records further reveal that the learned First Additional Sessions Judge, Balodabazar, as well as the jail authorities, have furnished favourable recommendations in support of the petitioner's claim. In such circumstances, the adverse recommendation of the Chhattisgarh State Punishment Review Board, in the absence of any cogent material or convincing reasons reflected in the impugned order, cannot by itself defeat the statutory scheme and the reformatory purpose underlying the provisions relating to remission.

11 It is well settled that although the power to grant remission under Section 432 of the Code of Criminal Procedure, 1973 [now Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023] is discretionary, such discretion is not unfettered and is required to be exercised in a fair, reasonable, objective and non-arbitrary manner. The Hon'ble Supreme Court in ***Laxman Naskar v. State of West Bengal, (2000) 7 SCC 626***, has held that while considering premature release of a convict, the competent authority is required to take into account relevant considerations, including the nature of the offence, its impact on society, the likelihood of the convict committing offences in future and the possibility of his reformation and rehabilitation. Similarly, in ***Epuru Sudhakar v. Government of Andhra Pradesh, (2006) 8 SCC 161***, it has been held that orders relating to remission are amenable to judicial review where the decision-making process is vitiated by arbitrariness, mala fides, non-application of mind or consideration of irrelevant factors. Further, in ***State of Haryana v. Jagdish, (2010) 4 SCC 216***, the Hon'ble Supreme Court has emphasized that the claim of a convict for remission is required to be considered in accordance with the applicable policy and that such policy must



be applied fairly, consistently and without discrimination. Thus, while remission cannot be claimed as a matter of right, an eligible convict is certainly entitled to a fair and lawful consideration of his case in accordance with the governing statutory provisions and policy framework.

12 The philosophy underlying remission and premature release is essentially reformatory and not retributive. Long incarceration, coupled with satisfactory conduct in jail, evidence of reformation, favourable recommendations from the competent authorities and the absence of any statutory disqualification, entitles a convict to a fair, objective and non-arbitrary consideration of his case under the applicable provisions governing remission. In the present case, the petitioner has remained in custody since 07.11.2010 and has completed the requisite period of incarceration for consideration of remission under the applicable Prison Rules. The material available on record further demonstrates that the petitioner's conduct during incarceration has been found satisfactory and that both the Superintendent, Central Jail, Raipur, and the learned First Additional Sessions Judge, Balodabazar, have furnished favourable recommendations in support of his claim for remission. This Court also cannot lose sight of the fact that in *Manoj Sahu v. State of Chhattisgarh & Others* [W.P. (Cr.) No. 178/2026, decided on 06.04.2026], relief was granted in substantially similar circumstances. Though parity cannot be claimed as a matter of right and every case must be examined on its own merits, the said decision is nevertheless a relevant circumstance which underscores the necessity of consistency, fairness and reasonableness in the decision-making process relating to remission.

13 Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that the impugned order dated 22.03.2026



rejecting the petitioner's claim for remission cannot be sustained in law. The rejection is founded principally upon the adverse recommendation of the Chhattisgarh State Punishment Review Board, without disclosing any cogent, objective or tangible material justifying the denial of remission. The impugned order does not indicate any specific circumstance demonstrating that the petitioner's release would be prejudicial to society or that he is likely to indulge in criminal activities in future. On the other hand, the petitioner has remained in custody since 07.11.2010, has completed the requisite period of incarceration for consideration of remission, and has earned favourable recommendations from both the learned First Additional Sessions Judge, Balodabazar, and the jail authorities on account of his satisfactory conduct and reformation during incarceration. The positive opinions of these authorities have not been accorded due consideration while passing the impugned order. Such an approach is contrary to the reformatory object underlying the remission scheme and renders the decision-making process arbitrary, unreasonable and unsustainable in law.

14 In the totality of the circumstances, particularly considering that the petitioner has remained in custody since 07.11.2010 and has completed the requisite period of incarceration for consideration of remission, his satisfactory conduct and reformation during incarceration, the favourable recommendations furnished by the learned First Additional Sessions Judge, Balodabazar, as well as the jail authorities, and the absence of any statutory disqualification under the applicable Prison Rules, this Court is satisfied that the petitioner's case deserved fair and objective consideration for grant of remission. The impugned order dated 22.03.2026, whereby the petitioner's claim has been rejected solely on the basis of the adverse recommendation of the Chhattisgarh State Punishment Review Board without assigning cogent



reasons or considering the relevant favourable factors, cannot be sustained in law. Such an approach is arbitrary, unreasonable and contrary to the reformatory philosophy underlying the remission policy, besides being violative of the principles of fairness and non-arbitrariness embodied in Articles 14 and 21 of the Constitution of India.

15 Consequently, the writ petition deserves to be and is hereby **allowed**. The impugned order bearing No. LAW-4201/236(34)/2026/JAIL-3 dated 22.03.2026 (Annexure P/1), passed by the State Government rejecting the petitioner's claim for remission, is quashed and set aside. The respondents are directed to extend the benefit of remission to the petitioner in accordance with the applicable Chhattisgarh Prison Rules, as amended vide Notification dated 23.04.2025, and release him forthwith, if his custody is not required in connection with any other case, subject to compliance with the usual terms and conditions prescribed under the relevant Rules. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Naresh Kumar Chandravanshi)
Judge