Item 8
AB

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

BEFORE:

The Hon'ble Mr. Justice Rishad Medora

WPA 25124 of 2025

Jagannath Naskar @ Jaga @ Jagu
VS
The State of West Bengal & Others

For the Petitioner	**:**	**Mr. S. Balial, Advocate** **Md. A. S. Sardar, Advocate**
For the State	**:**	**Mr. Madhu Jana, Ld. JGA** **Mr. Avik Biswas, Advocate**
Heard on	**:**	**October 7, 2026**
Judgement on	**:**	**October 7, 2026**

Rishad Medora, J. :

1. The petitioner has filed the present writ petition praying for, inter alia, a Writ of Mandamus directing the Respondent Authorities to remit the sentence and grant the benefit of premature release to the petitioner from judicial custody.

2. Learned Advocate representing the petitioner submits that the petitioner is a life convict who is currently undergoing life imprisonment at Medinipur Central Correctional Home in connection with offences committed under Sections 364A/302/201/34 of the Indian Penal Code, 1860. He further submits that it will appear from

the records of the case that the petitioner has already undergone more than 20 years of actual imprisonment as on date.

3. Learned Advocate representing the State has handed over a report dated September 11, 2026, prepared by the Officer in charge, Law Cell, Directorate of Correctional Services, West Bengal. The same is kept with the records. A copy of the same has been handed over to the learned advocate representing the petitioner. It will be evident from a perusal of the aforesaid report that the petitioner's proposal for premature release was last placed before the State Sentence Review Board (SSRB) at its 68th meeting which was held on June 6, 2022. It is also recorded in the aforesaid report that the SSRB duly considered the said proposal and did not recommend the petitioner's release from the Correctional Home after considering reports from various Government Authorities.

4. It is also recorded in such report that the petitioner's prayer for premature release "will be reconsidered after obtaining various reports in forthcoming meeting of State Sentence Review Board after obtaining fresh reports from all concerned". The fact that the premature release proposal of the petitioner was considered earlier by the SSRB has not been pleaded in the present writ petition. Learned Advocate representing the petitioner submits that he had no knowledge about the same and the same is a bona fide error.

5. Be that as it may, this Court is of the view that although the petitioner's premature release proposal had been rejected once earlier, another proposal for his premature release can be considered by the

SSRB. The petitioner has a statutory right for consideration of his case under Section 432 of the Code of Criminal Procedure, 1973 (Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023) read with the relevant Rules relating to remission. Although the power of remission is primarily an executive function, this Court is of the view that the said Authorities cannot keep the matter pending indefinitely. It has been about four years since the petitioner's case for remission was last considered. Any delay in consideration of the petitioner's case for remission would amount to a denial of such valuable right guaranteed to him under law.

6. Accordingly, this writ petition is disposed of with the following directions:

(i) The concerned authorities/respondent authorities shall consider the petitioner's case for remission in accordance with law, rules and applicable Government policy ;

(ii) Such consideration shall be made objectively taking into account, inter alia, all necessary and/or requisite reports, the petitioner's conduct in custody, local police verification and all other relevant rules;

(iii) A reasoned order shall be passed within a period of six months from the date of communication of this order;

(iv) The decision/reasoned order shall be communicated to the petitioner forthwith after the same is passed.

7. It is made clear that this Court has not expressed any opinion on the merits of the claim for remission. This Court has also not expressed

any opinion in respect of the earlier rejection of the petitioner's proposal for premature release. The authorities should act independently and in accordance with law without being influenced by any observation made in this order.

8. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

9. There shall be no order as to costs.

10. All parties shall act on a server copy of this order, duly downloaded from the official website of this Court.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of necessary formalities.

(Rishad Medora, J.)