

ITEM NO.2

COURT NO.11

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s). 183/2023

CHAIN SINGH

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH & ANR.

Respondent(s)

(FOR ADMISSION and IA No.84820/2023-INTERIM BAIL and IA
No.84819/2023-EXEMPTION FROM FILING O.T.)

Date : 25-09-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHALFor Petitioner(s) Mr. Mohd. Irshad Hanif, AOR
Mr. Kailas U. More, Adv.
Ms. Nivedita Pandit, Adv.
Mr. Amar Kumar Raizada, Adv.
Mrs. Nirmala D. Borade, Adv.For Respondent(s) Mr. Vishal Prasad, AOR
Ms. Ritika Sethi, Adv.
Mr. Sumeer Sodhi, AORUPON hearing the counsel the Court made the following
O R D E R

Perused the earlier order dated 21.08.2023. There is a non-compliance by the respondent No. 1-State with the said order as the final decision on grant of permanent remission to the petitioner has not been taken. From the Status Report, it appears that in August, 2023, Jail Superintendent recommended to the Principal Secretary of the Home Department of the State to grant permanent remission. The Principal Secretary of the State Government of the Home(Prison) Department, owes an explanation to this Court for not complying with the order dated 21.08.2023.

We are surprised to note that alongwith the Status Report, a letter allegedly signed by the petitioner addressed to the Jail Superintendent has been produced, which records that the petitioner wants to withdraw the present petition. In the letter, it is mentioned that Sessions Court has given a positive opinion and, therefore, he wants to withdraw the petition. When the petitioner is represented by an Advocate, if the petitioner intended to withdraw the petition, he would have instructed his lawyer to do so. It is unfortunate that the Jail Superintendent has obtained such a letter from the petitioner. Even the Jail Superintendent must file an affidavit and explain his conduct.

We grant time of two weeks to the Principal Secretary of the concerned Department and Jail Superintendent to file affidavits. No further time shall be granted.

List on 13.10.2023.

(POOJA SHARMA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)