

2023 LiveLaw (SC) 895

IN THE SUPREME COURT OF INDIA

ABHAY S. OKA; J., PANKAJ MITHAL; J.

Writ Petition(s)(Criminal) No(s). 183/2023; 13-10-2023

CHAIN SINGH *versus* STATE OF CHHATTISGARH & ANR.

Remission – The State Government should decide on remission applications without unnecessary delays, following the government's policy.

For Petitioner(s) Mr. Mohd. Irshad Hanif, AOR Dr. Lakshmi Prasanna Komra, Adv. Mrs. Nirmala D. Borade, Adv. Mr. Kailash U. More, Adv. Mrs. Sushma, Adv. Mrs. Shamim Irshad, Adv. Ms. Nivedita Pandit, Adv. Mrs. Nirmala D. Borade, Adv. Mr. Kailash U. More, Adv.

For Respondent(s) Mr. Vishal Prasad, AOR Mr. Sumeer Sodhi, AOR

ORDER

Though belatedly, the prayer for grant of permanent remission has been accepted and the affidavit filed by the Principal Secretary of the first respondent records that the petitioner has been released on permanent remission on 26th September, 2023. An apology has been tendered by the Secretary. The fact remains that though the petitioner was entitled to permanent remission much earlier, the decision-making process was delayed. We hope and trust that the State Government will ensure that there is no delay in considering the cases for grant of permanent remission in terms of its policy.

We have perused the affidavit of the Jail Superintendent and the letter dated 14th August, 2023 allegedly signed by the petitioner. It is obvious that what is stated in the said letter is completely incorrect, as the counsel for the petitioner was never in touch with the petitioner.

As rightly pointed out by the learned counsel appearing for the petitioner, the letter does not appear to be in the hand writing of the petitioner and somebody else has written the letter on which signature of the petitioner appears.

Without going to the controversy whether the letter is written by somebody else, we may note here that as the petitioner has purportedly stated that he wanted to withdraw the present Writ Petition, it was the duty of the Jail Superintendent to make the petitioner aware of the consequences of unconditional withdrawal of the Writ Petition. Moreover, legal aid lawyers regularly visit prisons. Before taking such a letter from the petitioner, he ought to have been referred to a legal aid lawyer who could have advised him properly. This precaution shall be hereinafter taken by the Jail Authorities in the State.

Subject to what is stated above, the Writ Petition is disposed of.

Pending applications also stand disposed of.

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