

10.01.2025
Sl. No.12(DL)
srm

CPAN 1685 of 2024
In
WPA No. 17019 of 2024
Afzal Khan @ Fazo @ Afjal Khan & Anr.

Versus

**Siddhartha Kanjilal, WBCS (Exe), Principal Secretary,
Judicial Department, Government of West Bengal.**

Ms. Lipika Das

...for the Applicants.

Mr. Biswabrata Basu Mallick,
Mr. Biman Halder

...for the Alleged Contemnor.

It is submitted on behalf of the alleged contemnor that necessary orders may be passed by this Court for release of the petitioner No.1. The file is with the Home Department and it is difficult for the alleged contemnor to trace out the same.

It appears that the Officers of the State of West Bengal had already suffered contempt on the selfsame issue and the contempt application was disposed of with the following observations by a learned coordinate Bench of this Court:

“4. Accordingly, C.P.A.N. 458 of 2024 is disposed of by keeping on record the copy of the minutes of the relevant meeting of the SSRB handed over on behalf of alleged contemnors, with the expectation that the petitioner no.1 shall see the light of freedom and be

actually and physically released within an outer limit of four weeks from date.”

The matter relates to premature release of the applicant No.1. It appears that the State Sentence Review Board had recommended the premature release of the applicant No.1. Accordingly, the contempt application was disposed of and His Lordship recorded that further actions in the process of release was a mere formality to be fulfilled by the Judicial Department, Government of West Bengal.

As there was considerable delay again, writ petition WPA 17019 of 2024 was filed alleging non-compliance and inaction on the part of the Judicial Department. The said writ petition was disposed of by this Court, directing the Judicial Department to take necessary steps so that the final release order reaches the correctional home authorities within two weeks from date. The said order has not been complied with.

The Judicial Department is unable to locate the file and the applicant No.1 is languishing in the correctional home despite an informed-decision of the Stage Sentence Review Board recommending premature release of the applicant No.1, which was directed to be complied with by

a coordinate Bench and the Judicial Department was directed to complete the formalities by according approval.

In view of the submissions made on behalf of the alleged contemnor through Mr. Basu Mallick, learned Additional Government Pleader, who has been engaged by the alleged contemnor that, direction be issued upon the correctional home authority to release the applicant No.1 on the basis of the recommendation made by the State Sentence Review Board, this Court directs the alleged contemnor to transmit this order to the correctional home with necessary instructions.

Let the matter be listed on February 28, 2025, for compliance, and for production of the release order.

Mr. Basu Mallick, learned Additional Government Pleader, with a junior of his choice shall file their *vakalatnama* on behalf of the alleged contemnor within one week, in the department.

A copy of this order be served in the office of the Principal Secretary, Department of Home and Hill Affairs for necessary compliance and steps.

(Shampa Sarkar, J.)