
(1986) 01 P&H CK 0027

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 801 of 1985

Bakshish Singh

APPELLANT

Vs

Inspector General of Prisons and anr.

RESPONDENT

Date of Decision : 09-01-1986

Acts Referred:

Citation : (1986) 01 P&H CK 0027

Hon'ble Judges : S.S.Dewan, J

Advocate : V.K. Jindal, D.S. Keer, Advocates for appearing Parties

Judgement

S.S. Dewan, J.

1. Satnam Singh convict is stated to be undergoing life imprisonment in Central Jail, Patiala. The only contention on behalf of the convict in this petition is that the punishments awarded to him by the Superintendent of Jail for the alleged commission of offence on 27th May, 1982 and 28th February, 1983, are illegal not being in conformity with the principles of natural Justice. It is further contended that these punishments are unsustainable because of the lack of judicial appraisal by the Sessions Judge. Reliance is placed on the two decisions of the Supreme Court in Rakesh Kaushik v. B.L. Vig Superintendent Central Jail New Delhi, 1980 S.C.C. (Cr.) 834 and Sunil Batra v. Delhi Administration, AIR 1980 SC 1579.

2. As per return of the respondents, it has been admitted that necessary judicial appraisal of the Sessions Judge could not be obtained as per directions of the supreme Court enunciated in Sunil Batra's case (supra). In Sunil Batra's case, one of the direction issued by the Supreme Court was that no punishment or denial of privileges and amenities shall be imposed upon the prisoner without Judicial appraisal of the Sessions Judge and where such permission on account of emergency is difficult, such information shall be given to the Sessions Judge, within two days of the action. These instructions were repeated by the Supreme Court in Rakesh Kaushik's case (supra) wherein it was observed that the action oriented conclusions in the case of Sunil Batra (supra) are binding upon the

State. It is thus manifest that the aforesaid instructions of the Supreme Court which are held to be mandatory in nature, have been violated. Consequently, the aforesaid two punishments being in violation of the mandatory instructions of the Supreme Court are quashed. The petition stands disposed of accordingly.