

(1986) 05 P&H CK 0058

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 211 of 1986

Chhinda Singh, S/o Piara Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 21-05-1986

Acts Referred:

Citation : (1986) 05 P&H CK 0058

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

Advocate : Manmohan Singh, V.K. Jindal, Advocates for appearing Parties

Judgement

S.S. Dewan, J.

1. This is a habeas corpus petition filed by Chhinda Singh convict now undergoing his sentence in the Central Jail, Amritsar, praying therein that the jail punishments awarded to him on 13.5.1981 and 18.8.1983 are liable to be quashed on the ground that the concurrence of the Sessions judge concerned was not obtained as required under the law. Mr. Jindal learned counsel for the convict has referred me to a decision in Sunil Batra v. Delhi Administration A.I.R. 1980 SC 1579, wherein it has been held that no punishment or denial or privileges and amenities shall be imposed upon a prisoner without judicial appraisal of the Sessions Judge. Mr. Manmohan Singh learned counsel for the State has candidly conceded that no concurrence of the Sessions judge concerned was obtained by the jail authorities before awarding the jail punishments to the convict. Consequently, I quash the order of punishment awarded to the convict on the aforesaid dates by the Superintendent Central Jail, Amritsar. It will nevertheless be open to the authorities to reconsider the matter in accordance with law.

JUDGMENT accordingly.