

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.247 of 2015

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Ramesh Chandra Sinha

.... Petitioner/s

Versus

The State of Bihar Through The Chief Secretary, Govt. of Bihar, Patna &
Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Respondent/s : Mr. Vikas Kumar, A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 02-04-2015

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner seeks a direction on the respondents to release the petitioner from jail in the light of remission policy of the State initiated in terms of the provisions of the Code of Criminal Procedure on the ground that he has already served punishment for life and undergone completed sentence on 19.7.2014 for 20 years.

In the counter affidavit filed on behalf of the State, the stand has been taken that the petitioner has spent 14 years of incarceration on 4.5.2014 and along with the remission period earned by him he would complete a total period of incarceration for 20 years on 19.7.2014. It is submitted that earlier a proposal was sent by the Superintendent, Adarsh Kendriya Kara, Beur vide Memo dated 14.4.2014, but at that time the petitioner had not

completed 20 years of incarceration with remission. Again a proposal vide memo dated 4.9.2014 sent by the Superintendent could not be considered by the State Remission Board in view of the order dated 9.7.2014 passed in WP (Crl.) 48/2014: Union of India vs. Sriharan @ Murgan and others by the Apex Court by which the State Governments were restrained from exercising power of remission to life convicts. It is further submitted that the said order has not been modified till date.

It is also submitted in the counter affidavit that as soon as the Apex Court shall vacate the restriction on remission, the matter would be considered by the State Remission Board and action will be taken accordingly by the Department.

In view of the aforesaid factual position enumerated in the counter affidavit and the stand of the State, the writ application is disposed of with the direction that the case of the petitioner shall be considered either in case the restraint order is vacated by the Apex Court or in accordance with any direction that may be issued by the Apex Court in the aforesaid matter.

V.P.Sinha/-

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

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