

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1002 of 2014

Arising Out of PS.Case No. -24 Year- 1988 Thana -Mufassil District- BHOJPUR

1. Lallu Rai S/o Mahato Rai Resident of Village-Bara Basantpur, P.O.-Daulatpur, P.S.-Ara, Muffassil, District-Bhojpur Ara, now at Centrla Adarsh Jail Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Inspector General (Jail), Government of Bihar, Patna.
4. The Superintendent of Jail at Central Adarsh Jail Bhojpur at Ara.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Adv.

For the Respondent/s : Mr. Sumant Kumar Singh, A.C. to GA-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-04-2015

This application has been filed for issuance of a writ to the respondents to release the petitioner from jail by suspending execution of his sentence or remitting the part of punishment/sentence of life as directed by the learned 2nd Additional Sessions Judge, Bhojpur, Ara in Sessions Trial No. 454 of 1989 arising out of Ara Mufassil P.S.Case No. 24 of 1988. The petitioner has been convicted under section 307/149, 302/149, 148 of the Indian Penal Code and 27 of the Arms Act. The trial court has sentenced him to undergo R.I. for five years under section 307/149 I.P.C., R.I. for three years under section 148 I.P.C. and R.I. for life under section 302/149 I.P.C. No separate sentence has been awarded for the offence punishable under

section 27 of the Arms Act. All the sentences have been ordered to run concurrently.

The petitioner preferred Cr.Appeal No.594 of 1996 (DB) before this Court against the judgment of conviction and order of sentence and a Division Bench of this Court by judgment and order dated 30th July, 2002 dismissed the said appeal. The petitioner preferred Cr.Appeal No. 371-372 of 2003 before the Hon'ble Supreme Court of India against the judgment and order dated 30th July, 2002 passed in Cr.Appeal No. 594 of 1996 (DB). The appeal preferred by the petitioner before the Hon'ble Supreme Court has also been dismissed, vide judgment and order dated 27th November, 2003.

Till date, the petitioner has served about 12 years and 4 months in jail. He has not even completed the actual 14 years without remission and 20 years with remission for consideration of premature release.

In that view of the matter, I find no merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

U		T	
---	--	---	--