

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.163 of 2014

Arising Out of PS.Case No. - Year- Thana - District- BANKA

1. Ramdeo Pandit S/O Late Banarsi Pandit Resident Of Village- Bela Sobhanpur,
P.S- Amarpur, District- Banka.

.... Petitioner/s

Versus

1. The State Of Bihar through The Chief Secretary, Govt. Of Bihar, Patna.
2. The Principle Secretary, Home (Special) Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Home (Special) Department, Govt. of Bihar, Patna.
4. The Deputy Secretary, Home (Special), Department, Govt. of Bihar, Patna.
5. The Inspector General, Prison, Government of Bihar, Patna.
6. The Superintendent of Special Central Jail, Bhagalpur, District- Bhagalpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri

For the Respondent/s : Mr. Sheo Shankar Prasad, SC 10

Mr. H.S.Sundaram, A.C. to SC 10

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-01-2015

The present application under Articles 226 and 227 of the Constitution of India has been filed seeking compensation for delayed release from custody after serving out the punishment awarded in Sessions Trial No. 313 of 1998 by the learned Additional Sessions Judge, I, Banka.

The petitioner was an accused in Sessions Trial No.313 of 1998 arising out of Amarpur P.S.Case No.127 of 1997 registered for the offence punishable under section 302 of the Indian Penal Code and section 27 of the Arms Act. By order dated 30th October, 1998 he was convicted and sentenced to undergo R.I. for life and to pay a fine of Rs.5,000/- and, in default of payment of fine, to

undergo simple imprisonment for six months in addition to the sentence awarded to him. The appeal filed by the petitioner was dismissed by a Division Bench of this Court.

Contention of the petitioner is that there has been inordinate delay in consideration of his case by the State Sentence Remission Board and hence, the petitioner is entitled to be compensated by the State.

From the record, it appears that on 21st June, 2013, the State Sentence Remission Board considered the case of the petitioner and recommended for his pre-mature release. Pursuant to the aforesaid recommendation of the State Sentence Remission Board, the State Government, vide its order dated 1st August, 2013 directed for release of the petitioner from Bhagalpur Central Jail. Admittedly the petitioner being a convict was in custody pursuant to a Judgment of a court of competent jurisdiction. The detention of the petitioner cannot be held to be illegal.

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

(Ashwani Kumar Singh, J)

Pradeep/-

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