

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.708 of 2015

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Ramashray Sharma @ Ramashish Sharma, son of Late Triveni Singh,
Resident of Village-Moldiar Tola, Kokama, P.S.-Mokama, District-Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Ministry of Home, Government of Bihar, Patna
2. Inspector General (Prison), Home Department, Government of Bihar, Patna.
3. The State Sentence Remission Board through its Chairman, Department of Home, Patna.
4. The Jail Superintendent, Adarsh Central Jail, Beur, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 05-08-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has come up to this Court seeking a direction on the respondent authorities to release the petitioner from custody as he has already completed the sentence for life imprisonment and for consequential direction.

In the counter affidavit filed on behalf of the State the stand taken is that that the State Government has not considered the case of the petitioner although in terms of the period of imprisonment undergone by him he would be eligible for such consideration due to the order dated 9.7.2014 passed by the Supreme Court in Writ Petition(Criminal) No. 48 of 2014.

In the reply to the counter affidavit filed on behalf of the petitioner it is stated that the order dated 9.7.2014 has been modified by the Apex Court by order dated 27.7.2015 confining the non-consideration of remission matter with respect to certain specific classes of cases, which do not include the case of the petitioner.

The stand of the State Government even in the counter affidavit is very clear that as soon as the Supreme Court shall vacate the restriction on remission, the matter of remission shall be considered by the State Remission Board and accordingly action will be taken by the State Government.

In view of the above facts and the stand of the State Government, the writ application is disposed of with the direction to the State Government to consider the case of the petitioner in accordance with law taking into consideration the order of modification passed by the Apex Court. Let the case of the petitioner, if otherwise eligible, be considered at the next meeting of the Remission Board.

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

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