

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4846 of 2014

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Sipahi Pasi, son of Late Subhag Pasi, resident of village- Badkasegora, P.S.-
Mohania, District- Kaimur at Bhabua.

.... Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna, namely, Sri Anjani Kumar Singh.
2. The Commissioner, Home Special, Government of Bihar, Patna, namely, Sri Amir Subhani.
3. The Inspector General (Prison), Government of Bihar, Ptna, namely, Sri Prem Kumar Meena.
4. The Jail Superintendent, Mandal Kara, Kaimur at Bhabhua, namely, Sri Shahnwaj Ahmad Neyaji.
5. The Jilor, Mandal Kara, Maimur at Bhabua, namely, Sri Jitendra Kumar Singh.

.... Contemnors/Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate.
Mr. Sada Nand Ray, Advocate.

For the Respondent/s : Mr. D.K.Sinha, A.A.G-2
Mr. Alok Kumar Rahi, A.C. to A.A.G.-2

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 23-01-2015

By filing show cause, State respondents have placed on record interim order dated 09.07.2014 passed by the Constitution Bench of the Supreme Court in Writ Petition (s) (Criminal) No(s). 48 of 2014 (Union of India versus V. Sriharan @ Murugan and Others), whereunder Supreme Court issued notice and made the rule returnable on July 18, 2014 with further direction to list the same before the Constitution Bench on 22.07.2014 restraining the State Government, in the meanwhile, from exercising power of remission of life convicts. Aforesaid writ petition has not been placed before the Constitution

Bench on 22nd July, 2014 or thereafter, as is evident from the website of the Supreme Court, so submitted counsel for the petitioner as also the State.

In the circumstances, we are of the view that as there is no restraint on the power of the State Government after 22nd July, 2014 to consider the case of the life convicts for grant of remission in terms of its remission policy in the light of Sections 432, 433 and 433A of the Cr.P.C. In our considered opinion, the respondents in order to purge themselves of the contempt for not complying the order no. 4 dated 21.04.2014 passed in Criminal Writ Jurisdiction Case No. 139 of 2014, should consider the case of the petitioner for grant of remission as early as possible, in any case within one month from the date of receipt/production of a copy of this order before the I.G. Prison as they have not considered the case for grant of remission to the convicts after 09.07.2014, the date aforesaid restraint was passed.

The contempt petition is, accordingly, disposed of.

(V.N. Sinha, J)

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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