

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.190 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- JEHANABAD

Ramsewak Mahto, Son of late Ganauri Mahto, R/o Village -Chhariyari P.S.-
Makhdumpur, District-Jehanabad. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Jehanabad
3. The Jail Superintendent, Sub Jail, Jehanabad

.... Respondents

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Respondent/s : Mr. Sriram Krishna, AC to GP-24

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-01-2015

It has been contended that the petitioner was made accused in Sessions Trial No. 79 of 82/445 of 83. He was convicted by the trial Court in the aforesaid case on 8.12.1986 and sentenced to undergo R.I. for life. He preferred an appeal before this Court vide Cr. Appeal (DB) No. 170 of 1986. During pendency of the appeal, he was granted bail by a Division Bench of this Court and was released from custody on 5th July, 1987. However, the appeal filed by the petitioner was ultimately dismissed after hearing of the matter on 18th November, 1997. The appellant did not surrender after dismissal of his appeal for a long time. Ultimately, the appellant was arrested on 5th December, 2009 in connection with

some other case. Subsequently, he was remanded in the aforesaid case on 24th October, 2011 in order to serve out the sentence.

By filing the present application under Articles 226 and 227 of the Constitution of India, learned counsel for the petitioner submits that the period intervening between 5.12.2009 to 24.10.2011 be also added as the period spent in custody in connection with the aforesaid sessions trial as during pendency of that period, the petitioner was in jail.

In my view, the application is misconceived. The petitioner is a convict who failed to obey the order of the Court for a long period of over 12 years. Between 5.12.2009 to 24.12.2011, he was not remanded in Sessions Trial No. 79 of 82/445 of 83 arising out of Makhdumpur P.S. Case No. 126(12)/82 and was in custody in connection with some other case. The aforesaid period cannot be taken into consideration as the period spent in custody by the petitioner in connection with aforesaid sessions trial.

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

(Ashwani Kumar Singh, J.)

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