

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1341 of 2015

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Jageshwar Mandal, Son of Late Chaturbhuj Mandal, R/o Village-Laxmipur
Lalchand, P.S.-Bihariganj, District-Madhepura.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary cum Commissioner, Department of Home, Govt. of Bihar, Patna.
3. The Secretary, Department of Law, Govt. of Bihar, Patna.
4. The Director General of Police, Govt. of Bihar, Patna.
5. The Inspector-General, Koshi, Division, Saharsa.
6. The Inspector-General, Prison, Govt. of Bihar, Patna.
7. The Director, Probation Services, Govt. of Bihar, Patna.
8. Bihar State Sentence Remission Board, Patna. through its Chairman.
9. The District Magistrate, Madhepura, District-Madhepura.
10. The Superintendent of Police, Madhepura, District Madhepura.
11. The Superintendent of Divisional Jail, Madhepura, District-Madhepura.
12. The Superintendent, Central Jail Purnea.
13. The Probation Officer, Home (Jail), Deptt. Madhepura.
14. The S.H.O. Biharsharif, Police Station, Bihariganj, District-Madhepura.

.... Respondent

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Appearance :

For the Petitioner : Mr. Uday Bhanu Roy, Advocate
Mr. Anant Kumar-1, Advocate
For the Respondents : Mr. Avinash Kumar, S.C.-20

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 27-01-2016 The petitioner, who has been convicted under

Section 302 read with Section 34 of the Indian Penal Code and

sentenced to suffer life imprisonment, by the judgment and

order, dated 27.05.1987, passed, in Sessions Trial No.7 of

1982/129 of 1986, by the Court of learned 2nd Additional

Sessions Judge, Madhepura, has filed this writ application,

under Article 226 of the Constitution of India, on the ground that he has already suffered 14 years of actual imprisonment pursuant to the said conviction and the sentence passed against him and that he needs to be allowed to be released by granting him *remission* in terms of the law contained in that behalf.

Heard Mr. Uday Bhanu Roy, learned Counsel, appearing for the petitioner, and Mr. Avinash Kumar, learned Standing Counsel No.20, appearing on behalf of the respondents.

There is no dispute before us that the petitioner's case is covered by the judgment, dated 19.01.2016, passed, in Cr.W.J.C. No.1042 of 2015, (Tarachand Kapari @ Taranand Kapari @ Karo Kapri *Versus* The State of Bihar & Ors.) by this Court.

In view of the above, this application is disposed with a direction to the respondents to consider the case of the present petitioner in accordance with law, with regard to *remission*, keeping in view the decision of this Court in Cr.W.J.C. No.1042 of 2015.

The decision on the question of release of the petitioner by granting him *remission* shall be considered and decided, as indicated above, within a period of three months.

This direction for consideration shall not be taken to mean that we have mandated the State Government to *remit* the petitioner's sentence of *imprisonment for life* to a sentence of imprisonment for a term and we, thus, leave it to the judicious discretion of the State Government to *remit* or not to *remit* the petitioner's sentence of *imprisonment for life*. We, however, make it clear that in case the State Government decides not to *remit* the sentence of imprisonment passed against the petitioner; it must assign reasons for not giving him *remission*, which is, ordinarily, given to other similarly situated prisoner(s).

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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