

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.912 of 2016

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

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1. Md. Naushad @ Naso
 2. Md. Shamshad@Samo @ Samshad Mian, Both Sons of Shahbuddin @ Shahabuddin, Resident of Village- Rice Police Station+P.O.- Pakaribarama, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar Through Director General of Police, Home Department, Patna
2. The Inspector General of Police (Prison), Bihar Patna.
3. The Superintendent of Police, Nawada, District Nawada.
4. The Superintendent of Jail, Central Jail Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath Sanjay, Advocate

For the Respondent/s : Mr. Ram Balak Mahto, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL JUDGMENT

Date: 16-11-2016

Heard learned counsel for the parties.

2. The petitioner has sought release from custody having completed 14 years of imprisonment and 20 years of imprisonment with remission.

The question as to when a convict will be entitled for remission has been decided by a Constitution Bench of the Supreme Court in a judgment reported in (2016) 7 SCC 1 (Union of India v. V. Sriharan) .

3. In the light of the said judgment, the Department of

Home (Prison) has sought opinion from Additional District Judge-1, Nawada, as to whether petition for remission made by the petitioner on 16th of May, 2016 and 24th of August, 2016 can be allowed or not.

4. In view of the said fact, the present petition is disposed of with a direction to the learned Additional District Judge-1, Nawada, to give opinion as sought by the Department of Home (Prison), expeditiously, preferably within a period of two months. It is thereafter the State Government shall take appropriate action in accordance with law.

(Hemant Gupta, ACJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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