

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.398 of 2017

=====

Parma Kurmi Son of Late Bir Bahadur Kurmi, Resident of Village- Narahan, P.S.-
Raghunathpur, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Prison, Bihar, Patna.
4. The Inspector General of Jail (Prison), Bihar, Patna.
5. The Joint Superintendent, Special Central Jail, Bihar.
6. The Prison Officer, Bhagalpur Special Central Jail, Bihar.
7. The Superintendent Mandal Kara, Siwan.
8. The Superintendent of Police, Siwan.

.... Respondents

=====

Appearance:

For the Petitioner : Mr. Ranjeet Kumar, Advocate

For the Respondents : Mr. Krishna Chandra, AC to AG

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 01-05-2017

Heard learned counsel for the petitioner and learned counsel
for the State.

2. This application has been filed by the petitioner for a direction to the respondent authorities to produce the order of Bihar State Sentence Remission Board (for short “the Board”) passed pursuant to judgment dated 16.12.2016 passed by this Court in Cr.W.J.C. No. 1180 of 2016. The relevant paragraph of the aforesaid judgment which has been appended as Annexure-2 is extracted as under for better appreciation of the matter :-

“8. Thus, in our view, the manner in which the



son of the petitioner is being denied to be released is not sanctioned or countenanced by law. We would, thus, have to hold that there being no adverse ground for denying the petitioner's son to be released having already served out more than 20 years of physical imprisonment, the Board would immediately take a decision accordingly and pass appropriate orders forthwith.

9. The writ petition is, accordingly, disposed of."

3. The grievance of the petitioner is that even after such an order having been passed by a Division Bench of this Court, no decision as yet been communicated to him regarding his premature release. It is contended on behalf of the petitioner that he has already remained in custody for about 22 years and three months and earned five years remission.

4. A counter affidavit has been filed on behalf of the respondent no. 7. It is stated in paragraph 7 thereof that despite several requests made to the Presiding Judge, who happens to be the Additional District & Sessions Judge, (F.T.C.), Siwan, to send his opinion regarding premature release of the petitioner in terms of the requirements under Section 432(2) of the Code of Criminal Procedure, his opinion is still awaited. It is stated that no sooner such opinion is received the proposal for premature release of the petitioner will be put up before the Board for consideration in accordance with



law.

5. In the above view of the matter, we are left with no option but to direct the aforesaid Presiding Judge or the Court concerned to send his opinion on its own merit in accordance with law expeditiously and preferably within a period of one month from the date of receipt/production of a coy of this judgment. Thereafter, the respondent authorities would be required to put up the matter of the petitioner for consideration before the Board in its next meeting. The result should be communicated to the petitioner immediately.

6. It is further made clear that while considering the case of the petitioner the observations made by the Co-ordinate Bench of this Court as contained in Annexure-2 should also be taken into consideration.

7. Let a copy of this order be immediately communicated to the Presiding Judge concerned.

8. The writ petition stands disposed of.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.05.2017
Transmission Date	25.05.2017

