

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 593 of 2017

Arising out of P.S. Case No. -212 Year- 1997 Thana -Rahui
District- NALANDA (BIHARSHARIFF)

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Gopi Gope Son of Late Palitar Gope, Resident of Village- Nawada Par,
P.S.- Bhagan Bigaha (Rahui), District- Nanlanda.

.... Petitioner.

Versus

1. The State of Bihar
 2. The Pricipal Secretary, Department of Home, Bihar, Patna.
 3. The Director General of Police , Bihar, Patna.
 4. The Inspector General , Prison, Bihar, Patna.
 5. The Assistant Inspector Genral, Prison, Bihar, Patna.
 6. The State Sentence Remission Board, through I.G. Prison, Bihar,
 7. The jail Superitendent , Adarsh Kendriya Kara, Beur, Patna.
- Respondents.

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Appearance :

For the Petitioner : Mr. Ratnakar Pandey, Adv.

For the Respondents: Mr. Vikas Kumar, AC to AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 28-06-2017

Heard parties.

The petitioner, through this writ petition seeks direction for his premature release from jail custody in view of the short sentencing policy of the State Government dated 21.01.1984 and in terms of Sections 432 and 433A of the Code of Criminal Procedure read with Rule 529(1) of the Bihar Jail Manual. The petitioner was



convicted and sentenced on 05.08.2000 & 08.08.2000 respectively to undergo life imprisonment under Section 302 IPC as well as rigorous imprisonment for two years under Section 27 of the Arms Act in connection with Rahui P.S. Case No. 212 of 1997 corresponding Sessions Trial 181/15 of 1998/98.

However, it is contended that the petitioner has already completed sufficient period of incarceration entitling him for consideration of his premature release by the Bihar State Remission Board.

Counter affidavit filed on behalf of the State discloses that though the recommendation of the Superintendent of Police concerned has been received, however, despite several letters and reminders, the Presiding Officer i.e., 3rd Additional Sessions Judge, Nalanda at Bihar Sharif has not given its opinion till date.

In such a situation, this Court is inclined to dispose of this matter with a direction to the Presiding Judge as noted above to send its consent/opinion in terms of the legal provisions on its own merit and in accordance with law expeditiously preferably within a period of four weeks from the date of communication of a copy of this order.

The District & Sessions Judge, Nalanda at Bihar Sharif would also be required to ensure compliance of the direction. No



sooner consent/opinion of the Presiding Officer is received by the respondent authorities, the consequential steps should be taken immediately by sending the matter to the Bihar State Sentence Remission Board so that it could be considered in next meeting by the Remission Board on its own merit and in accordance with law.

Let a copy of this order be immediately communicated to the District & Sessions Judge, Nalanda at Bihar Sharif as well as the Presiding Officer of the Court concerned.

(Dr. Ravi Ranjan, J.)

(S. Kumar, J.)

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