

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.684 of 2017

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

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Rajo Sharma, Son of Late Shankar Mistri, resident of Village- Dhusmuri
Bishanpur, P.S. Khagaria, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Patna Bihar.
2. The Chief Secretary Bihar Patna.
3. The Inspector General (Prisoner), Bihar Patna.
4. The Jail Superintendent Central Jail Bhagalpur, District- Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the Respondent/s : Mr. P.N. Sharma, 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: 29-06-2017

Heard learned counsel for the petitioner and the State.

The petitioner is serving sentence upon his conviction and being sentenced to undergo rigorous imprisonment for life on 24.04.2002/26.04.2002 in Sessions Trial No.311/1995. However, it is claimed that he has filed a representation after completion of 14 years in incarceration for premature release but no decision could be taken by the Bihar State Sentence Remission Board (hereinafter referred to as 'the Remission Board') upon his claim/request.

Counter affidavit has been filed on behalf of respondent



nos. 1 to 4. It is stated in paragraph 6 thereof that the Remission Board had considered his case on 28.11.2016 but due to lack of clear opinion/consent of the Presiding Officer of the court concerned, the petitioner could not be released. However, it is further stated in paragraph nos. 7 and 8 that upon the request of Superintendent, Special Central Jail, Bhagalpur, the Presiding Officer of F.T.C. II, Khagaria has already sent his opinion and now a proposal of the petitioner for premature release will be put up before the Remission Board for its consideration.

In the aforementioned facts and circumstances, this Court would be inclined to dispose of the writ application with a direction to the respondent authorities to put up the case of the petitioner before the Remission Board so that the case of the petitioner could be considered by it in accordance with law in its next meeting.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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Transmission Date	N.A.

