

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1014 of 2017

Arising Out of PS. Case No.-60 Year-2001 Thana- JAMALPUR District- Munger

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Kamal Tanti, Son of Late Harilal Tanti, resident of village/Mohalla - Chhoti Daulatpur, Police Station - Jamalpur, District - Munger (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Deputy Inspector General of Police, Munger, Bihar.
3. The State Sentence Remission Board through its Chairman, Department of Home, Patna.
4. The Jail Superintendent Mandal Kara Central Prison, Munger, Bihar.
5. The District Magistrate, Munger, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Sushant Kumar Dutta, Advocate
For the Respondent/s : Mr. P. N. Sharma, A.C. to A.G.

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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 : 18-07-2017

Heard parties.

This writ application has been filed for premature release of the petitioner since the petitioner has already completed 15 years of actual imprisonment.

However, learned counsel appearing for the State on instruction submits that period of imprisonment of the petitioner as under trial prisoner is 2 years, 3 months and 4 days and the period of imprisonment which he has served after his conviction is 12 years, 11 months and 13 days and he has earned remission



of 3 years and 9 days. Thus, after addition of the period earned as remission by him, his total period becomes 18 years 2 months and 26 days. It is contended that unless the petitioner completes 20 years, his case for premature release cannot be sent to the Bihar State Remission Board for such consideration as per the State policy.

Accordingly, this writ application stands disposed of with a direction to the State authorities that no sooner the petitioner completes 20 years after addition of remission earned by him, his case would be sent to the Bihar State Remission Board for consideration of the case of the petitioner for premature release in accordance with law.

(Ravi Ranjan, J)

(S. Kumar, J)

Sanjay II/-

AFR/NAFR	NAFR
CAV DATE	NA
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