

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.437 of 2015

Arising Out of PS.Case No. -52 Year- 1993 Thana – Chapra Muffasil District- SARAN

=====

Mani Thakur @ Mani Babu Thakur, son of Chandrika Thakur, resident of Village Chandanpur, Police Station Khaira, District Saran

.... Petitioner

Versus

1. The State of Bihar.
2. The Superintendent, Central Jail, Buxar.
3. The Superintendent of Police, Saran at Chapra.
4. The District Probation Officer, District Probation Office, Saran Jail Camp, Chapra
5. Bihar School Examination Board through its Chairman, Patna -1

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate

For the State : Mr. Prabhu Narayan Sharma, AC to AG

For the Board : Mr. Sunil Kumar Mandal, Advocate

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date: 07-04-2017

Heard learned counsel for the petitioner, State as well as the Board.

This writ petition has been filed on behalf of the petitioner for his premature release who has been serving sentence in Central Jail, Buxar in terms of the judgment dated 03.01.2001 and the order of sentence dated 06.01.2001 passed by learned 7th Additional Sessions Judge, Saran at Chapra in Sessions Trial No. 325 of 1994.

It is contended on behalf of the State that the opinion of



the Presiding Judge of the trial court i.e. 7th Additional Sessions Judge, Saran at Chapra is still awaited. It is stated that though such request was firstly made on 5th March 2017 by the Superintendent, Central Jail, Buxar, as contained in Annexure-A/1 to the counter affidavit of respondent nos. 2 and 4, and thereafter again letters were sent on 18th of March, 2017 and 27th of March, 2017 but the report has not been received as yet.

In that view of the matter, this Court directs learned 7th Additional Sessions Judge, Saran at Chapra to consider the matter in accordance with law and send the report expeditiously preferably within a period of three weeks from today.

It is further stated that the report of the Superintendent of Police, Saran, Chapra is also awaited in this regard.

Accordingly, let the Superintendent of Police, Saran, Chapra also send the necessary report within the aforesaid period so that the matter would be placed before the Bihar State Sentence Remission Board. After the aforesaid reports are received, let the matter be placed before the Bihar State Sentence Remission Board, Bihar, Patna in its next meeting for considering the same in accordance with law.

The writ petition stands disposed of with the aforesaid observations and directions.



Let a copy of this judgment be communicated to the learned 7th Additional Sessions Judge, Saran at Chapra as well as the Superintendent of Police, Saran at Chapra.

(Dr. Ravi Ranjan, J)

B.T/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.04.2017
Transmission Date	10.04.2017

