

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2219 of 2017

=====

1. Uma Shankar Tiwary son of Late Ramlagan Tiwary
2. Laloo Tiwary Son of Late Ramlagan Tiwary
3. Lala Tiwary Son of Late Ramlagan Tiwary
4. Pramod Tiwary Son of Umashankar Tiwary
All R/o village Mangara, P.S. Karakat, (Gorari) District Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government of Bihar at Patna
2. The Secretary, Home Department cum Chairman State Sentence Remission Board, Bihar, Patna
3. The Commissioner, Home Special Government of Bihar, Patna
4. The Inspector General (Prison) Government of Bihar, Patna
5. The Jail Superintendent, Open Jail Buxar
6. The Jailor Open Jail, Buxar
7. The Superintendent of Police, Rohtas at Sasaram
8. The Officer-in-charge Karakat P.S. , District Rohtas
9. The Registrar, Civil Court, Rohtas at Sasaram

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, AC to AG

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 15-11-2017

Heard learned counsel for the petitioners and the State.

The decision taken by the Bihar State Sentence Remission Board so far the petitioners are concerned is challenged in this writ application.

The petitioners' case has not found favour on the ground that Superintendent of Police has given adverse report. That report is



based upon the report of the Officer-in-charge of the concerned police station which has said that the people of the locality had stated that they would not have any problem if the petitioners are released prematurely, however, the informant's side/victim's side has said that they had some apprehension. We are unable to understand this.

A decision has to be taken in this regard in accordance with law also considering the conduct of the petitioners during the period of incarceration and other things which are stated in the Short Sentencing Policy.

Now, today learned counsel for the State has submitted that the Superintendent of Police has sought a fresh report from the concerned Officer-in-charge so that the matter could be sent for its re-consideration.

In such a situation, we set aside the order impugned (Annexure-2) so far as it concern the petitioners and with an expectation that after receiving a fresh report, the matter would be sent to the Remission Board for its consideration in accordance with law so that it can be properly considered in the next meeting.

The concerned authority before reaching to a conclusion would also determine whether this case is covered under Short



Sentencing Policy, 1984 or 2002 which was, though notified earlier, but implemented in the year 2007.

It is expected that the whole exercise would be completed by the respondent authorities within a period of two months from the date of receipt/production of a copy of this order so that the matter could be forwarded to the Bihar State Sentence Remission Board for its consideration in accordance with law in its next meeting.

Accordingly, this writ application stands disposed of.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Spd/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	25.11.2017
Transmission Date	N.A.

