

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.237 of 2017

Arising Out of PS.Case No. -141 Year- 1993 Thana -Bhagwanpur District- BEGUSARAI

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Rubi Devi, Wife of Ajay Kumar Chaudhary, Resident of Village - Rasalpur, Police Station - Bhagwanpur, District - Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Home, Government of Bihar, Patna
2. The State Sentence Remission Board through the Inspector General (Prison) Department of Home, Bihar, Patna.
3. The Inspector General (Prison), Department of Home, Government of Bihar, Patna.
4. The Jail Superintendent, Central Jail, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Suraj Narain Yadav, Advocate.
For the Respondents : Mr. Prabhu Narayan Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 28-02-2017

Heard learned counsel for the petitioner and learned counsel for the State.

The grievance of the petitioner is that her husband was entitled to early release from the sentence of life imprisonment but the State Sentence Remission Board rejected his case on the ground of certain amendments in the Prisoners' Jail Manual which were brought about in the year 2016.

We have already indicated in several judgments in the past that the conditions for premature release as per law and position as



emanating on the day of conviction and any subsequent change, adverse to the interest of the convict, cannot be looked into or taken into account.

In that view of the matter, we direct the State Sentence Remission Board to forthwith reconsider the matter of the petitioner's husband and take necessary decision in the matter. We would notice a disturbing fact as well. Several persons were convicted in the same trial and were to suffer the same punishment. While some of the others being co-convicts of petitioner's husband have been released over three years back, why was the petitioner's husband's case not referred or taken up by the Board ? Surely, there is something more than meets the eye. The State Sentence Remission Board, which is constituted of high officials of the State, must look into this aspect of the matter.

With the aforesaid direction, this writ petition is disposed of.

(Navaniti Prasad Singh, J)

B.T/Ibrar

(Vikash Jain, J)

AFR/NAFR	NAFR
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