

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.633 of 2017

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

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1. Sanjeev Kumar Roy Son of Mahendra Prasad Roy, Resident of Ward No. 9, Dharmpur, P.S.- Samastipur Town, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar, Patna,
2. The State Sentence Remission Board through the Pricipal Secretary, Home Department , Government of Bihar, Patna.
3. The Joint Secretary-Cum-Director (Administration) Home Department (Prison), Bihar, Patna.
4. The Secretary, Law Department, Government of Bihar, Patna.
5. The Additional Director General of Police, Criminal Investigation Department , Bihar, Patna.
6. The Inspector General, Jail and Reforms Services, Bihar, Patna.
7. The Assistant Inspector General, Jail and Reforms Services, Bihar, Patna.
8. The Jail Superintendent, Shahid Khudi Ram Bose, Central Jail, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-12-2017

Heard learned counsel for the parties.

2. The petitioner is a convict. The petitioner had faced trial in Sessions Trial No.14 of 2002, arising out of Decan Police Station (District Pune) CR No. 335 of 2001, a case under Section 302/120B/364A of the Indian Penal Code and Section 27 of the Arms Act, before the Court of learned 2nd Additional Sessions Judge, Pune.

3. After conviction the petitioner was awarded imprisonment of life and that punishment was upheld by the Hon'ble



Mumbai High Court. At present the petitioner is serving the sentence in Khudi Ram Bose Central Jail, Muzaffarpur.

4. The petitioner has filed this writ application for a direction to the respondents, who are the State of Bihar and officials of the State of Bihar, to consider and communicate the period of remission earned by the petitioner as per the applicable Rules.

5. The respondents in their counter affidavit drew attention of the Court to Bihar Prison Manual 2012 vide Annexure-A specially to Rule 410 (iv) for his submission that the case of any prisoner for remission of sentence punished by the Court outside the State shall not be considered here at.

6. Learned counsel further drew attention of Rule 420 of the aforesaid Manual which provides that remission shall be awarded to the prisoners, who have been transferred to serve their sentence from other States, in accordance with the remission Rules of the punishing State.

7. According to learned counsel for the respondent, the aforesaid Rules make it abundantly clear that remission is to be granted only by the punishing State and the Rules prevailing in the punishing State.

8. Learned counsel for the respondent further drew attention of the Court to Annexure-C/4 whereby the Superintendent of



Central Prison, Yerwada, Pune, had called for certain information specially the copy of the judgment and update nominal roll including actual undergone imprisonment and remission earned till date by the petitioner.

9. In response to the aforesaid letter, the deponent had sent reply vide Annexure-E dated 23.11.2017, wherein the period undergone in Central Jail, Muzaffarpur, is mentioned and it is specifically mentioned that the admissible remission shall be as per rule prevailing in the State of Maharashtra. The report at Annexure-E does not reveal that the petitioner had any bad antecedent for the period when the petitioner was undergoing the sentence at Muzaffarpur. Therefore, the competent authority in the State of Maharashtra would consider the appropriate admissible remission in favour of the petitioner.

10. With the aforesaid observation, this writ application stands disposed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	

