

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.126 of 2017

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Sharwarn Prasad Singh @ Sarwan Kumar, son of Late Manik Singh, resident of Village- Chero, Police Station- Sarmera, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Ministry of Home, Government of Bihar, Patna.
2. Inspector General (Prison), Home Department, Government of Bihar, Patna.
3. The State Sentence Remission Board through its Chairman, Department of Home, Patna.
4. The Jail Superintendent, Special Central Jail, Bhagalpur.
5. Union of India, through the Home Secretary, Government of India, New Delhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Kumar No. 2, Advocate
For the UOI : Mrs. Nivedita Nirvikar, CGC
For the State : Mr. Krishna Chandra, A.C. to A.G.

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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 Union of India.

This petition has been filed on behalf of the petitioner for a direction to the respondent authorities for his premature release who is serving his sentence awarded in terms of judgment and order dated 3.8.1985 passed by 2nd Additional Sessions Judge, Nalanda at Biharsharif in Sessions Trial No. 163 of 1984.

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



the Presiding Judge of the trial court i.e. 2nd Additional Sessions Judge, Nalanda at Bihar Sharif is still awaited. It is stated that though such request was made vide letter nos.1925 dated 26.05.2016, 2592 dated 04.07.2016, 3529 dated 03.09.2016, 4274 dated 12.11.2016, 174 dated 18.01.2017 and 775 dated 02.03.2017 by the Superintendent, Central Jail, Bhagalpur, as contained in Annexure-A series to the counter affidavit of respondent nos. 1 to 4 but the report has not been received as yet.

In that view of the matter, this Court directs learned 2nd Additional Sessions Judge, Nalanda at Bihar Sharif 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, Nalanda is also awaited in this regard.

Accordingly, let the Superintendent of Police, Nalanda also send the necessary report within the aforesaid period so that the matter would be placed before the State Sentence Remission Board, Bihar. After the aforesaid reports are received, let the matter be placed before the 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 2nd
Additional Sessions Judge, Nalanda at Biharsharif as well as the
Superintendent of Police, Nalanda.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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