

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.269 of 2017

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Tullu Singh @ Ashuthosh Singh, son of Ram Lagan Singh, Resident of Village-
Fatehabad, P.S.- Paroo, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Sentence Remission Board through the Principal 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, Khudi Ram Bose Central Jail, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Kumar Singh, Advocate
For the State : Mr. Vikas Kumar, 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: 30-03-2017

Heard learned counsel for the petitioner and the State.

Through this writ application, the petitioner *inter alia*
seeks following reliefs:-

“(I) For issuance of an appropriate writ in the
nature of MANDAMUS, commanding and directing the
Respondent Authorities to grant pre-mature release to the
petitioner on the ground that the petitioner had already completed
20 years of sentence with remission on 14.01.2014 and 14 years of



physical incarceration on 12.12.2013 itself, taking into consideration that the case of the petitioner has been covered under 1984 Policy prevailing at the relevant time of his conviction but the Respondent Authorities did not consider the case of the petitioner for remission merely on the ground that in absence of the report of the Presiding Officer of the Court as well as non favourable report of the Police.

(II) For issuance of any other appropriate writ / writs, order/orders direction/directions for which the writ petitioners would be entitled under the facts and circumstances of the case.”

It is contended that though the petitioner has completed 20 years of sentence with remission on 14.01.2014 and 14 years of physical incarceration on 12.12.2013, still his case is pending for consideration of the competent authority for pre-mature release in accordance with law.

Counter affidavit has been filed on behalf of the respondent nos.1, 2, 3, 6 and 8. It appears from the counter affidavit that the matter of his pre-mature release has not been placed before the Bihar State Remission Board for consideration only for the reason that Senior Superintendent of Police, Muzaffarpur is not sending his report which was sought from him. The opinion of the trial court has also been sought but that is still not available.

Accordingly, this Court would be inclined to dispose of the application with a direction to the Senior Superintendent of



Police, Muzaffarpur as well as A.D.J. IV, Muzaffarpur to immediately send their opinion/report in accordance with law expeditiously preferably within a period of one month. Thereafter, the matter of the petitioner should be placed before the Bihar State Remission Board for consideration in accordance with law which should be done by the Board in its next meeting after such opinion of the trial Court or the report of the Superintendent of Police are received.

(Dr. Ravi Ranjan, J)

(Vikash Jain, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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