

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1732 of 2017

=====

1. Khelawan Yadav Son of Late Dulli Mahto @ Late Dulli Yadav, R/o Village- Kathrahi, P.S.- Bind, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Inspector General (Prison) Government of Bihar, Patna.
3. The Deputy Inspector General (Prison) Government of Bihar, Patna.
4. The District Magistrate , Patna.
5. The Superintendent of Police, Nalanda at Biharsharif.
6. The Superintendent , Mandal Kara, Nalanda at Biharsharif.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Premchandra Yadav

For the Respondent/s : Mr. Md. N.H. Khan(Sc-I)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-04-2018 After hearing learned counsel for the petitioner and learned counsel representing the State, this writ application is being disposed off without entering into merit of the contentions at this stage with a direction to the respondents to consider the representation as has been directed by the Hon'ble Supreme Court in its judgment dated January 09, 2017 passed in Criminal Appeal No. 513-514/2014 whereunder while maintaining the sentence awarded to the accused no. 1, the Hon'ble Supreme Court has recorded in paragraph 16 of the judgment as under: -

“16. Coming to the sentence, insofar as A-1 is



concerned, since life imprisonment is the minimum sentence that is to be awarded for commission of offence of murder under Section 302 of IPC, we maintain the same. However, we are conscious of the fact that A-1 is almost 80 years of age. Further, incident occurred almost 34 years ago. In these circumstances, he may prefer a representation to the State for remission of his further sentence. When such a representation is filed by A-1, same shall be given due consideration by the competent authority within the four corners of law.

A-2 is also 80 years of age. Going by this consideration coupled with the fact that incident happened 34 years ago, we modify the sentence of 7 years R.I. to that of the period already undergone. Since he is on bail, his bail bond shall stand discharged.

Appeals are disposed of in the aforesaid terms.”

It is expected that the competent authority would act in terms of the order and shall pass appropriate order giving due consideration by the competent authority within four corners of law and shall communicate the decision to the petitioner within two months from the date of receipt of communication of this order.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

