

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1067 of 2018

Arising out of P.S. Case No.- Year- Thana- District- Samastipur

Sanjeev Kumar Roy, S/o Mahendra Prasad Roy, R/o 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 Joint Secretary Cum Director (Administration), Home Department (Prison), Bihar, Patna.
3. The Secretary, Law Department, Government of Bihar, Patna.
4. The Additional Director General of Police, Criminal Investigation Department, Bihar, Patna.
5. The Inspector General, Jail and Reforms Services, Bihar, Patna.
6. The Assistant Inspector General, Jail and Reforms Services, Bihar, Patna.
7. The Jail Superintendent, Shahid Khudi Ram Bose, Central Jail, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the State : Mr. P.N. Sharma, AC to AG

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 10-08-2018

Heard learned counsel for the petitioner and the State.

It is apparent that the relevant provision of the
Maharashtra Prison Manual has already been appended as
Annexure-P5 to the writ petition. Rule 9 thereof clearly indicates



that in case of a prisoner transferred under the reciprocal arrangements, the prison rules of the State to which he has been transferred would be applicable and the appropriate government as defined under Section 402 of the Cr.P.C. will be the authority to order premature release of such prisoner under Section 401 of the Cr.P.C. Similarly, vide Annexure-P2, the remission chart has also been appended as well.

It is intriguing as to even in the presence of these materials, how it can be stated by the respondents that after receipt of the chart showing remission as well as the relevant prison rules of State of Maharashtra, the exercise would be made with regard to consideration of the petitioner for short sentencing.

Accordingly, we would direct the Bihar State Remission Board to consider the case of the petitioner in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

It goes without saying that prior to that every formality should be completed by the concerned authorities of the State.

With the aforesaid observation, this application stands disposed of.

However, before parting with the matter, we record the oral statement made on behalf of the petitioner that the report of



the concerned Superintendent of Police as well as the concerned Presiding Officer of the convicting Court from the State of Maharashtra has already been received by the State authorities.

(Dr. Ravi Ranjan, ACJ)

(S. Kumar, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2018
Transmission Date	NA

