

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.549 of 2019

Arising Out of PS. Case No.-19 Year-1998 Thana- CHANPATIA District- West Champaran

Nasima Khatoon, wife of Naimullah Dewan, Resident of Village- Turha Patti
(Tarwa Tola), P.S.- Chanpatia, District- West Champaran (Bihar)

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-03-2019 The petitioner is the wife of one Naimullah Dewan, who has been convicted and is undergoing sentence.

The petitioner seeks a direction to the effect that the issue of remission of the petitioner's husband be considered by the State Government in the light of the Government order and the relevant rules applicable in this regard as he has



undergone in custody for more than 16 years and therefore eligible for consideration of remission in view of the policy as applicable on date.

We do not find this petition to be maintainable through the wife of the detenu who can file his own petition as the remission is being sought by the detenu and is nowhere concerned with the petitioner. We therefore consign this petition to records without prejudice to the rights of the detenu to move this Court or to approach the State Government for such relief and in that event, the claim of the concerned detenu Naimullah Dewan shall be considered by the State Government in accordance with law. In the event, any such application is stated to be pending, the same shall be disposed of expeditiously, preferably within three months from the date of production of the certified copy of the present order.

It is the contention of the learned counsel for the petitioner that the other co-accused arising out of the same case who were convicted had approached this Court, whereupon directions were issued and the State Government upon consideration of their requests for remission has proceeded to grant remission. The same shall also be



considered by the Government while passing the order.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

PNM/Saif

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