

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13898 of 2014

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Mohan Mahto son of Sri Laxman Mahto, resident of Mohalla- Maripur Power House, Police Station- Kaji Mohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Home Secretary, Government of Bihar, Patna
3. Additional Secretary cum Director Administration, Bihar, Patna
4. The Inspector General Prison, Bihar, Patna
5. The Deputy Inspector General Prison, Bihar, Patna
6. Superintendent, Jail, Gaya
7. Superintendent, Jail, Nawada
8. Superintendent, Jail, Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Girish Chandra Jha
For the Respondent/s	:	Mr.Raghvendra Kumar, SC 22
		Mr. Rajesh Roy, Ac to SC 22
For BPSC		Mr. Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-07-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner has challenged the order dated 05.06.2014 in so far as punishment of stoppage of three increments has been awarded to the petitioner as well as depriving the petitioner from dues other than subsistence allowance.

Counsel for the petitioner submits that the case of petitioner on the basis of same set of charge and on the basis of same evidence was being considered by the criminal court in



GR no.2076/2012 and he was acquitted in the said case by order dated 23.06.2017. He draws attention of the court towards Annexure 10 to the supplementary affidavit wherein said fact of petitioner's acquittal has been placed before the Superintendent, Central Jail, Buxar who had passed punishment order against the petitioner.

It is submitted by counsel for the petitioner that punishment is excessive and disproportionate should be reconsidered by the authority in view of acquittal in the criminal trial and reliance is placed on the decision of Apex Court in the case of G.M. Tank vs State of Gujrat & ors reported in (2006) 5 SCC 446.

In view of said submission, writ petition is disposed of with a direction to respondent no.4 (The Inspector General (Prison), Bihar, Patna) to dispose of petitioner's representation dated 21.07.2017 (Annexure 10 to the supplementary affidavit) by reasoned and speaking order in accordance with law within the period of three months from the date of receipt/production of a copy of this order.

Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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