

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1814 of 2019

Arising Out of PS. Case No.-60 Year-2001 Thana- JAMALPUR District- Munger

Kamal Tanti, S/o Late Harilal Tanti Resident of Village/Mohalla- Chhoti Daulatpur, P.S.- Jamalpur, District- Munger (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Govt. of Bihar, Patna Bihar, Patna.
2. The Deputy Inspector General of Police, Munger, Bihar Munger.
3. The State Sentence Remission Board through its Chairman, Deptt. of Home, Patna. Patna.
4. The Jail Superintendent Mandal Kara Central Prison, Munger, Bihar. Munger.
5. The District Magistrate, Munger, Bihar Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 19-12-2019 The petitioner through the instant petition has prayed
for the following relief:

“For issuance of a writ of Habeas Corpus or an appropriate writ from this Hon’ble Court for releasing the petitioner who is in custody since 22.04.2002 who was made accused in connection with Jamalpur P.S. Case No. 60 of 2001 for the offence under section 302/34 of the Indian Penal Code and after the commencement of the Session Trial No. 147 of 2003 in the court of the



Suresh Chandra Prasad, 7th Additional Sessions Judge, Munger on 27.07.2004, the petitioner was convicted to undergo R.I. for life. This writ application is filed for releasing the petitioner, who is in custody since 22.4.2002 and languishing into conviction for life and in such circumstances the petitioner has completed the period of more than 17 years in captivity since arrest till date. Keeping in view of the fact that the petitioner being a poor and old man of 70 years of age has completed more than 17 years of confinement in jail lining peacefully with other inmate prisoners with the satisfaction of the jailor. The petitioner having deep faith and reverence in the judicial system with a great hope of getting justice from this Hon'ble Court with a humble prayer of release from custody/jail by filing this writ application.”

The counter affidavit filed on behalf of respondent nos. 1 to 4 indicates that proposal for pre mature release of the petitioner was rejected by the Bihar State Sentence Remission Board on 14.05.2019 then no further order can be passed.

We find the present petition in its present form not to be maintainable. There cannot be a petition for habeas corpus challenging the order of the rejection of the application seeking remission of the sentence.

In view of the above, learned counsel for the



petitioner seeks permission to withdraw the present application
reserving liberty to seek appropriate remedies in accordance
with law, including approaching this Court by way of separate
petitions, if so required and desire.

Accordingly, the application is dismissed as
withdrawn with the aforesaid liberty.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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