

(1991) 05 PAT CK 0025

In the Patna High Court

Case No : Criminal Writ Jurisdiction Case No. 85 of 1991 (R)

Chattu Das

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 03-05-1991

Acts Referred:

Citation : (1992) 1 BLJR 22 : (1991) 2 PLJR 448

Hon'ble Judges : S.B. Sanyal, J; R.N. Sahay, J

Bench : Division Bench

Judgement

1. Learned Counsel for the petitioner states that in view of the good behavior of the petitioner in jail and for his being in jail for about 17 years including remission, he may be directed to be released. The petitioner in support of his contention has relied on a Division Bench decision of the Madhya Pradesh High Court in Babu Pahatawan v. State of Madhya Pradesh, and Ors. 1990 C L J 2704, where their Lordships have held that in a case of life imprisonment, the minimum period in jail should be fourteen years, but there could be conditional release and that should be reckoned for computing the fourteen years imprisonment. He has also relied on a decision in the case of Badri Mahto and Ors. v. Sri N.K. Choudhary 1989 B.L.J.R. 139 as also a decision in the case of Rui Das v. State of Bihar and Ors. 1991 (1) PLJR 504.

2. The petitioner is at liberty to file a representation before the State Government in this regard and the State Government will consider the matter in the light of the aforesaid decisions and pass necessary speaking order within a period of six months from the date of the order.

3. With the above direction/observation, this writ petition is disposed of.