

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(Cr.) No. 637 of 2025

Awadh Kishore Sahu ... Petitioner
Versus
The State of Jharkhand & others ... Respondents

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Rakesh Kumar, Advocate;
Mr. Shubham Kumar, Advocate
For the State : Mr. Deepankar, AC to GA-III

03/23.03.2026

Heard the learned counsel appearing for the respective parties.

In this writ application, the petitioner has prayed for a direction upon the respondents to release the petitioner from judicial custody after giving remission in accordance with law and as per the provision contained in section 473 of BNSS.

It has been submitted by the learned counsel for the petitioner that the petitioner was convicted in S.T. Case No. 12 of 2001 on 19.05.2004 against which the petitioner had preferred an appeal which was dismissed and the same was also affirmed by the Hon'ble Supreme Court in SLP (Crl.) No. 4525 of 2016. The petitioner claims that he has completed more than 19 years actual custody and more than 20 years custody with remission and therefore, his case should have been considered by the State Sentence Review Board.

Mr. Deepankar, learned AC to GA-III, has while relying on the counter-affidavit submitted that the petitioner was earlier convicted in a case and in terms of section 427 Cr.P.C. the period of custody with and without remission has been calculated and till 20.10.2025 the actual period of custody undergone by the petitioner is 15 years 03 months and 21 days while the period of custody with remission has been mentioned as 18 years 01 month and 15 days. It has been submitted that since he had not completed 20 years of custody with remission, this writ application accordingly should be dismissed.

Though it has been submitted by the learned counsel for the petitioner that the petitioner has qualified for consideration of his case by

the State Sentence Review Board for release but the petitioner appears to have calculated the period of custody from the date he was remanded in Bariatu P.S. Case No. 34 of 2000, corresponding to S.T. Case No. 12 of 2001, being oblivious to the fact that the petitioner was earlier convicted in a case and the calculation which has been made by the jail authorities is based on section 427 Cr.P.C. As is an admitted fact the petitioner has not completed the period of 20 years in custody with remission and therefore, his case for release was not put up before the State Sentence Review Board.

I do not find any reasons to accede to the prayer made by the writ petitioner in this writ application and consequently, the same stands dismissed.

(RONGON MUKHOPADHYAY, J.)

23.03.2026

S.B.

Uploaded on 24.03.2026