

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.271 of 2014

Arising Out of PS.Case No. -48 Year- 2011 Thana -null District- MUZAFFARPUR

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1. Anil Kumar Srivastava
 2. Sanjay Kumar Srivastava
 3. Sanjiv Kumar
 4. Shekhar Kumar All Sons Of Late Sarjug Prasad All Resident Of Village Dharmagatpur, P.S- Sakra, District- Muzaffarpur.
 5. Parmeshwar Prasad @ Parmeshwar Thakur Son Of Late Chhatu Thakur
 6. Kamleshwar Rai Son Of Late Sarjug Rai Both Resident Of Village Pilakhi Gajpati, P.S- Sakra, District- Muzaffarpur.
 7. Suraj Mahto Son Of Late Yaju Mahto Resident Of Village- Mohamadpur Gokhul, P.S- Sakra, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Umeshwar Prasad son of late Deonandan Prasad, resident of Mohammadpur Gokhul, P.S. Sakra, District Muzaffarpur (Informant)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Sinha, Advocate
For the State : Mr. Parmanand Prasad, APP
For Opposite Party No.2 : Mr. Nachiketa Jha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-05-2015

The Petitioners seek revision of the judgment dated 21.12.2013 passed by the Additional Sessions Judge 2nd, Muzaffarpur in Criminal Appeal No.48 of 2011, by which he has upheld the conviction of the Petitioners and awarded maximum punishment for the period of three years and fine of Rs.1000/-.

The submission of the Petitioners is that the Petitioners No.1, 2 and 5 have remained in custody for about a year and

Petitioners No.3, 4, 6 and 7 have remained in custody for more than one month and they undertake to deposit the fine. The circumstances under which the occurrence had taken place in year 1997 when no medical report was available, the Petitioners' revision should be allowed.

Considering the impugned judgment, I do not find any merit in the application. The same is dismissed.

However, in view of the period of incarceration the sentence is modified to the period already undergone by the Petitioners with a further direction that they deposit the fine if they have not done so.

(Anjana Prakash, J)

Narendra/-

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