

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.848 of 2014

Arising Out of PS.Case No. 174 Year- 2001 Thana Sitamarhi, District- SITAMARHI

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1. Anil Kumar Gupta, S/o Tapesar Prasad Gupta, R/O Village- Prem Nagar, P.S.- Runni Saidpur, Distt- Sitamarhi
 2. Nand Lal Sah, S/O Bishwanath Sah, R/o village- Raghobpur Bakhari, P.S. and Distt- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi, W/O Baidyanath Prasad Guptam R/O Mohalla- Janki Asthan, Goshala Road, Ward No. 31, Sitamarhi Town, P.S. and Distt- Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Adv.
For the State : Mr. Rajendra Pd. Nat, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-04-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek revision of the order of the judgment of conviction dated 7.8.2014 passed by the Adhoc Sessions Judge-I, Sitamarhi, in Criminal Appeal No. 82 of 2011/09 of 2013 by which he has maintained the conviction of the Petitioners in Sitamarhi P.S. Case No. 174 of 2001, Trial No. 1521 of 2011, G.R. No. 896 of 2001 under Sections 323, 341 and 448 of the Indian Penal Code.

The Notices had been issued to the Opposite Party No. 2 on submission that the Informant had compromised the case with Parties who had been named, for which reason, I.A. No. 290 of 2015

was filed. This fact is supported by the learned counsel appearing on behalf of the Opposite Party No. 2.

In view of such, the application is allowed and the Proceeding including the order of the judgment of conviction dated 7.8.2014 passed by the Adhoc Sessions Judge-I, Sitamarhi, in Criminal Appeal No. 82 of 2011/09 of 2013 by which he has maintained the conviction of the Petitioners in Sitamarhi P.S. Case No. 174 of 2001, Trial No. 1521 of 2011, is hereby set aside.

It has been submitted that the 4th convict i.e. Jagannath Prasad Gupta could not file a revision against conviction since he is bed ridden and not in a position to surrender. This fact is also supported by the counsel for the Opposite Party No. 2.

Under unusual circumstances, his conviction is also set aside.

(Anjana Prakash, J)

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