

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.958 of 2014

Arising Out of PS.Case No. -116 Year- 2005 Thana -null District-
WESTCHAMPARAN(BETTIAH)

1. Satendar Rai son of Late Jwala Rai Resident of village - Siswaniya, Police
Station - Chanpatia, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

with

Criminal Revision No. 970 of 2014

Arising Out of PS.Case No. -116 Year- null Thana -2005 District-
WESTCHAMPARAN(BETTIAH)

1. Jaswant Yadav son of Vyas Yadav, Resident of Village- Siswaniya, Police
Station- Chanpatia, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

(In CR. REV. No. 958 of 2014 and CR. REV. No.970 of 2014)

For the Petitioner/s : Mr. Sanjay Kumar No.7, Advocate

For the Respondent/s : Mr. B. Ram, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-03-2015

The Petitioners seek revision of their conviction and sentence passed by the Adhoc Additional Sessions 4th, West Champaran, Bettiah in Criminal Appeal No.91 of 2009 by judgment and order dated 18.6.2014 and the judgment dated 28.10.2009 passed by the Judicial Magistrate, 1st class, Bettiah, West Champaran in G.R. case No.1301 of 2005 arising out of Chanpatia P.S. case No.116 of 2005 (Trial No.2936 of 2009).

The prosecution case is that the Informant learnt that some anti social elements were threatening the villagers on the occasion of marriage of a girl. At this information, they went there and attempted to apprehend the miscreants, who fled away leaving their arms. Petitioner Satendar Rai was caught at the spot with arms whereas co-Petitioner ran away.

It has been submitted on behalf of the Petitioners that there is no corroboration with regard to threatening of any witnesses since no villager has been examined. The only substantive evidence against the Petitioners is of recovery of arms. Where the Petitioner Satendar Rai is concerned he is said to have been carrying the arms which stood in the name of his deceased's father. Moreover the Petitioners have remained in custody for about seven and half months against the sentence of two years awarded by the court below.

Considering the facts of the case, the revision is dismissed but with modification in sentence to the period already undergone by the Petitioners.

(Anjana Prakash, J)

Narendra/-

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