

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 24 of 2015

Arising out of P.S. Case No. -null Year- null Thana -null
District- GAYA

- =====
1. Indradeo Prasad, S/o Late Dasarath Prasad.
 2. Narendra Prasad, S/o Indradeo Prasad.
 3. Shailendra Prasad @ Shailendra Kumar, S/o Indradeo Prasad.
 4. Rishimuni Kumar @ Rikkimuni Prasad @ Rikkimuni Pd., Son of Indradeo Prasad. All resident of Village-Balabigha Bazar, P.S.- Tekari, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Respondent/s : Mrs. Pushpa Sinha, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

I.A. No. 58 of 2014 has been filed for
condonation of delay of 153 days.

In the circumstances, the prayer for condonation
of delay is allowed.

The Petitioners have been convicted by the
judgment dated 13.12.2012 passed by the Judicial
Magistrate, 1st Class, Gaya in G.R. No. 2716 of 2004 (Tr.
No. 498 of 2012) under Sections 341, 323 and 324 IPC
and sentenced to simple imprisonment for a period of one
year, six months and one year respectively. The conviction
and sentence was affirmed by the Additional Sessions
Judge-V, Gaya in Cr. Appeal No. 3/13/2/13(SJ) while

modifying the sentence for the offences under Section 324 IPC as against Petitioners No. 2 to 4.

It has been submitted that the Petitioners have remained in custody for three months and the offence is of minor nature and, hence, the period of custody is sufficient for the conviction aforesaid.

Having gone through the judgment of the Court below, I would be inclined to accept the submission.

The Revision Application is dismissed but with modification in sentence of the Petitioners to one already undergone by them during Trial.

Vikash/-

(Anjana Prakash, J.)

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