

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.391 of 2015

=====

1. Pintu Yadav @ Ajay Yadav Son of Late Janardan Yadav Resident of
Village- Mahesua, Police Station- Madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Durgesh Kumar

For the Respondent/s : Mr. R.P.S.Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-11-2016 1. The present revision application under Sections 397 read with 401 of the Code of Criminal Procedure, 1973 has been filed by the petitioner feeling aggrieved by the judgment and order, dated 24.02.2015 passed by learned Sessions Judge, Madhepura in Criminal Appeal No. 12 of 2014, whereby and whereunder he has upheld the judgment and order of conviction and sentence, dated 30.06.2014 passed by learned Sub-Divisional Magistrate, Madhepura in Trial No. 2236 of 2014 arising out of G.R. No. 395 of 2011 (G.R. No. 395 of 2011).

2. Learned trial Court, by its judgment and order, dated 30.06.2014 has held the petitioner guilty of the offence punishable under Sections 25(1-B)A, 26(1) of the Arms Act and sentenced him to undergo rigorous imprisonment for a period of two years with a fine of Rs.



5,000/-. For the offence punishable under Section 26(1) of the Arms Act, the petitioner has been sentenced to undergo rigorous imprisonment for a period of one year with a fine of Rs.2,000/-. It has been indicated that in the event of default in payment of fine, the petitioner shall be required to undergo rigorous imprisonment for a further period of four months and two months respectively.

3. I have heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State of Bihar.

4. Learned counsel appearing on behalf of the petitioner has submitted that in connection with the said Madhepura P.S. Case No. 127 of 2011, the petitioner was taken into custody on 27.03.2011 and he has already served the sentence as imposed by the Courts below and has, accordingly, been released.

5. Learned counsel has, however, submitted the conviction of the petitioner is bad inasmuch as the findings recorded by the Courts below are erroneous. According to him, the prosecution could not prove the charge of commission of offence against the petitioner under Sections 25(1-B) A and 26 (1) of the Arms Act beyond all reasonable doubts. According to him, the findings are perverse. I do not find any merit in such submission.

6. The judgment of the trial Court and the appellant Court recording finding of petitioner's guilt cannot be said to be perverse requiring interference by this Court in a revisional jurisdiction under Sections 397 read with 401 of the Code of Criminal Procedure.

7. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-c

U			
---	--	--	--