

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.515 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Sanjay Sah @ Bhondu S/o Late Sreenath Sah R/o- Maharajganj, Kurmitola, P.S.-
Alamganj, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Respondent/s : Mr. Manish Kumar No. 2, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

JUDGMENT AND ORDER

ORAL

Date: 24-11-2016

The petitioner stood convicted of offences punishable under Sections 394 and 411 of the Indian Penal Code and Section 28 of the Arms Act, 1959, by learned Additional Chief Judicial Magistrate, Patna City, vide judgment and order, dated 18.06.2015, passed in connection with Alamganj Police Station Case No. 13 of 2015 (G. R. No. 121 of 2015). The learned Trial Court after having held the petitioner guilty of the said offence, sentenced him to undergo rigorous imprisonment for three years, each for the offence punishable under Sections 28 of the Arms Act, 1959, Sections 394 and 411 of the Indian Penal Code. The sentences were to run concurrently.



2. The petitioner preferred appeal against the said judgment and order of the learned Trial Court, which came to be finally decided, by the judgment and order, dated 03.02.2016, passed, by learned Additional Sessions Judge V, Patna City, in Criminal Appeal No. 151 of 2015. By the said judgment and order, the learned Appellate Court has modified the sentence of imprisonment for the period of 2½ years for the offence under Section 394 of the Indian Penal Code and for the offence punishable under Section 28 of the Arms Act, 1959. While reducing the sentence of imprisonment, the learned Appellate Court has imposed a fine of Rs. 5,000/- for conviction of the petitioner under Section 394 of the Indian Penal Code and Section 28 of the Arms Act, 1959, each.

3. The present criminal revision application has been filed against the said judgment and order, dated 03.02.2016, passed by the learned Additional Sessions Judge V, Patna City.

4. On perusal of the impugned judgment and order of the Courts below, I find that so far as the conviction of the petitioner of the offence punishable under Section 394 and 411 of the Indian Penal Code and Section 28 of the Arms Act, 1959, is concerned, the concurrent findings of facts recorded by the Courts below cannot be said to be suffering from any perversity, warranting this Court's interference in revisional

jurisdiction.

5. The sentence of imprisonment cannot be said to be inappropriate and disproportionate in the facts and circumstances of the case, in view of the nature of offence proved against him.

6. This criminal revision application has no merit. It is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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