

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.332 of 2016

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

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1. Sanjay Kumar son of Late Ganesh Singh, Resident of village- Orhanpur, P.S.-
Mufasil, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Jitendra Kumar Roy, APP

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

JUDGMENT AND ORDER

ORAL

Date: 23-11-2016

The petitioner questions the legality of the judgment and order, dated 18.01.2016, passed by the learned Sessions Judge, Nawada, in Criminal Appeal No. 13 of 2014, in the present criminal revision application, filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, whereby the learned Appellate Court has affirmed the petitioner's conviction of an offence punishable under Section 406 of the Indian Penal Code. The petitioner stood convicted of the said offence by the learned Judicial Magistrate, 1st Class, Nawada, by its judgment of conviction and order of sentence, dated 10.03.2014, passed in Trial No. 503 of 2013, arising out of G. R. No. 566 of 2004. The learned Trial Court had

sentenced him to undergo rigorous imprisonment for a period of two years with a fine of Rs. 3,000/-. The learned Appellate Court has, however, reduced the sentence to rigorous imprisonment of one year, in place of two years.

2. Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State.

3. Learned Counsel appearing on behalf of the petitioner has attempted to persuade me that finding of guilt, as recorded by the Courts below, for the offence punishable under Section 406 of the Indian Penal Code, is based on misappreciation of the evidence on record. According to him, the findings are not based on due appreciation of evidence on record.

4. However, on perusal of the judgment and order of the Courts below, I am not convinced with the submissions advanced on behalf of the petitioner that the findings, recorded by the Courts below, are contrary to evidence or without any evidence adduced at the trial.

5. It is well accepted principle that the High Court, in criminal revision jurisdiction, seldom interferes with the concurrent findings of facts recorded by the two Courts and such jurisdiction can be exercised only in exceptional circumstances where the findings are perverse, without any

evidence which has resulted into grave miscarriage of justice.

6. It appears that the petitioner has already remained in judicial custody for nearly 1½ years. The sentence, as has been noted above, had been reduced by the Appellate Court to one year.

7. In such circumstance, I do not find any reason to interfere with the impugned judgment and order of the Courts below.

8. This criminal revision application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
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