

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.696 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- BHABHUA (KAIMUR)

- =====
1. Dinesh Ram @ Dinesh Rai, son of late Sahdeo Ram @ Sahdeo Rai
 2. Somaru Chauhan @ Somaru Chauhar @ Somaru Nonia, son of Tengehu Chauhan
 3. Bal Karan Ram, son of Late Mathuri Ram
 4. Ram Surat Ram, son of Deorath Ram
- All are resident of village Patesar, Police Station Chand, District Kaimur at Bhabhua

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Girish Chandra Sharma, Advocate

For the Respondent : Mr. Rana Randhi Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 24-11-2016

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

2. The petitioners stood convicted of offence punishable under Section 33 of the Indian Forest Act, 1927, by the judgment and order, dated 12.08.1994, passed, by learned Judicial Magistrate, 1st Class, Bhabhua, in Case No. 18 (F) of 1992 (Trial No. 208 of 1994). The learned Trial Court, accordingly, sentenced the petitioners to undergo rigorous imprisonment for a period of one year each.

3. The said judgment and order of the learned Trial Court has been affirmed by learned Additional Sessions Judge V, Bhabhua, by judgment and order, dated 22.12.2014, passed in Criminal Appeal No. 172 of 1994.

4. The present criminal revision application, under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, has been filed putting to challenge the said judgment and order, dated 22.12.2014, passed by the learned Additional Sessions Judge V, Bhabhua, in Criminal Appeal No. 172 of 1994.

5. On perusal of the materials on record, I do not find any perversity in the findings recorded by the Courts below, leading to conviction of the petitioners under Section 33 of the Indian Forest Act, 1927. However, considering the submissions advanced on behalf of the petitioners, in my view, the sentence of imprisonment can be modified in the interest of justice, in the facts and circumstances of the present case.

6. The petitioners are in custody since 27.06.2016 when they surrendered before the Trial Court after rejection of their appeal.

7. Considering the submission that this is for the first time that the petitioners have been convicted of an offence under the provisions of the Indian Forest Act and they have faced trial for the last two decades, this criminal revision

application is disposed of by modifying the order of sentence by reducing it to the period of custody, which the petitioners have already undergone.

8. The petitioners are still in custody. They are directed to be released forthwith, if not wanted in any other case.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
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