

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1055 of 2014

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1. Swaroop Mahto, S/o Late Ram Phal Mahto.

2. Ram Autar Mahto, S/o Baleshwar Mahto.

All are resident of Village - Patwara, P.S. - Rajnagar, District -
Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.

Mr. Mohit Shrivastava, Adv.

Mr. Vijay Kumar, Adv.

For the State : Mr. Ranjit Ranjan, APP

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

ORAL JUDGMENT & ORDER

Date: 09-11-2016

The petitioners in the present application, under
Section 397 read with Section 401 of the Code of Criminal
Procedure, are aggrieved by the judgment and order, dated
16.08.2014, passed by learned 3rd Additional Sessions Judge,
Madhubani, in Cr. Appeal Nos. 73 of 2000 / 42 of 2013,
whereby, he has affirmed the judgment and order, dated
19.09.2000, passed by learned Judicial Magistrate, Ist Class,

Madhubani, in Trial No. 67 of 2000, arising out of G.R. No. 1565 of 1993 (Rajnagar P.S. Case No. 105 of 1993).

2. By the judgment and order passed by learned trial Court, as indicated above, the petitioners have been convicted of the offence punishable under Section 323 read with Section 34 of the Indian Penal Code. However, they have been given benefit of Section 4 of the Probation of Offenders Act, 1958, by asking them to execute a bond of Rs. 1,000/- each to maintain good behaviour for a period of one year. The said conviction, recorded by learned trial Court, has been upheld by learned 3rd Additional Sessions Judge, Madhubani, by his judgment and order, dated 16.08.2014. He has found no infirmity in the judgment and order passed by the learned trial Court, allowing the petitioners, benefit of Probation of Offenders Act, 1958, as indicated above.

3. There being concurrent findings of fact recorded by learned courts below, I am not inclined to accede to the submissions advanced on behalf of the petitioners that the said judgments and orders being erroneous, need interference of this Court. The concurrent findings cannot be said to be perverse on bare perusal of the said judgments and orders, since the same cannot be said to be without any basis or contrary to evidence on record.

4. Since learned courts below have taken lenient

approach in the matter of giving the petitioners the benefit under the provisions of Probation of Offenders Act, 1958, I do not find any reason to entertain this application.

5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-c

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