

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.712 of 2016

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

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1. Ram Bilash Singh
2. Ram Uday Singh
3. Ramashish Singh
4. Bishundeo Singh @ Bishundeo Singh
All Sons of Late Ghoghar Singh Residents of Village/Mohalla -
Pasraha, P.S. - Nao Kothi, District - Begusarai.

.... Petitioners

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Rajendra Prasad, Senior Advocate
Mr. Pramod Kumar, Advocate
Mr. Ritesh Kumar, Advocate
For the State : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 24-11-2016

I. A. NO. 1481 OF 2016

I. A. No. 1481 of 2016 has been filed by the petitioners, under Section 5 of the Limitation Act, seeking condonation of delay in preferring the present criminal revision application.

Having considered the reasons assigned in the present application seeking condonation of delay and having heard the learned Counsel for the parties, this Court is satisfied

that the petitioners were prevented by sufficient causes from preferring the present criminal revision application within time.

In view of the above, the delay, in preferring the criminal revision application, is hereby condoned.

I. A. No. 1481 of 2016 shall stand disposed of.

CRIMINAL REVISION NO. 712 OF 2016

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

This criminal revision application has been preferred, under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, against the judgment and order, dated 16.03.2016, whereby the petitioners have been convicted of the offence punishable under Sections 323 and 504 of the Indian Penal Code by the learned Special Judge (SC/ST Act), Begusarai, in S. T. Case No. 02 of 2008.

The petitioners stood charged of commission of offences punishable under Sections 341, 323, 342, 504 of the Indian Penal Code and Section 3 (i) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act. They have been acquitted of the charge of offence punishable under Section 3 (i) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act and have, on the basis of the

evidence adduced at the trial, been held to be guilty of offence punishable under Sections 323 and 504 of the Indian Penal Code.

Learned Senior Counsel, appearing on behalf of the petitioners, has submitted that they have apparently no criminal antecedent and considering the nature of offence, the petitioners should be given benefit of the provisions of the Probation of Offenders Act, 1958.

Considering the facts and circumstances of the case, including the fact that the charge of offence punishable under Section 3 (i) (x) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act could not be established against the petitioner and the petitioner are said to be the first offenders, I consider it to be a fit case where they should have been given the benefit of the Probation of Offenders Act, 1958.

Accordingly, while not interfering with the conviction of these petitioners, the order of sentence passed by the Court below is modified by giving them benefit of Section 3 of the Probation of Offenders Act, 1958.

This Court, while not interfering with the conviction, records strong admonition for conduct of the petitioners and directs them to be released on probation of good conduct on furnishing a bond that they will keep good behaviour for a period of one year.

This criminal revision application is, accordingly,
disposed of.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.11.2016
Transmission Date	25.11.2016