

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1011 of 2015

=====

1. Ratan Singh, son of Nawal Kishore Singh, resident of village-
Araha, P.S.- Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Respondent/s : Mr. R.C. Singh, APP

=====

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

ORAL JUDGMENT & ORDER

Date: 19-11-2016

This criminal revision application has been filed,
under Section 397 read with Section 401 of the Code of
Criminal Procedure, 1973, by the petitioner against the
judgment and order, dated 06.08.2015, in Criminal Appeal No.
24 of 2015, passed by the learned Sessions Judge, Saharsa,
whereby, while affirming the judgment of conviction of the
petitioner of the offence punishable under Section 392 of the
Indian Penal Code and Section 25(1-B) (a) of the Arms Act,
recorded by the learned Judicial Magistrate, Ist Class,
Saharsa, in G.R. Case No. 1363 of 2014 corresponding to

Sonbarsa Raj P.S. Case No. 107 of 2014 (Trial No. 1556 of 2015), has modified the order of sentence to the period of custody already undergone by the petitioner.

2. Learned trial Court after having recorded conviction of the petitioner of the offences, as aforesaid, had sentenced the petitioner to undergo rigorous imprisonment for 3 years with a fine of Rs. 1,000/- for the offence punishable under Section 392 of the Indian Penal Code and rigorous imprisonment for a period of 3 years with a fine of Rs. 500/- for the offence punishable under Section 25(1-B) (a) of the Arms Act. In default of payment of fine of Rs. 1,000/-, the petitioner had been made to undergo simple imprisonment for a further period of 8 days and with respect to non-payment of fine of Rs. 500/-, simple imprisonment for a further period of 3 days had been provided to him, under the order of the learned trial Court.

3. It seems that the petitioner had remained in custody for more than 13 months and considering the period of custody already undergone by him and other mitigating circumstances, learned Sessions Judge, Saharsa, modified the order of sentence by reducing it to the period of custody, which the petitioner had already undergone.

4. Concurrent findings, recorded by the learned courts below, do not appear to be perverse requiring

interference by this Court in criminal revisional jurisdiction. I find that the learned courts below have taken into account the evidence of P.W.-1 and P.W.-5, who had supported the case of the prosecution to reach the finding of the petitioner's conviction under the aforesaid provisions of law.

5. Learned counsel, appearing on behalf of the petitioner, attempted to persuade me that three crucial witnesses did not support the case of the prosecution and they have, accordingly, been declared hostile to the prosecution and, therefore, the findings, recorded by the learned courts below, cannot be justified. She has also submitted that there is no evidence on record to suggest that any arms or ammunitions were recovered from the possession of the petitioner.

6. Such submission, however, are not convincing for the purpose of interfering with the concurrent findings of fact recorded by the learned courts below. P.W.-1 is the informant of this case. Learned courts below have taken into account that the informant (P.W.-1) and the petitioner were not known to each other nor they were at inimical terms for any reason. The informant being the victim and there being no reason to discredit his testimony, learned trial Court has recorded his conviction, which has been affirmed by the learned appellate Court. The findings need not be interfered

with in the present proceeding.

7. I, accordingly, do not find any merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A.
Uploading Date	25/11/2016
Transmission Date	25/11/2016