

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.925 of 2016

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

1. Ram Udgar Yadav Son of Late Rameshwar Yadav resident of village - Olapur,
P.S. Khagaria, District - Khagaria

.... Petitioner

Versus

1. The State of Bihar

.... Respondent

Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh, Advocate
Mr. Pawan Kumar Singh, Advocate

For the Respondent : Mr. Abhay Kumar Roy, APP

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

JUDGMENT AND ORDER
ORAL

Date: 25-11-2016

By the judgment and order, dated 16.11.2016,
passed by the learned Sub Divisional Judicial Magistrate,
Khagaria, at a trial, arising out of G. R. No. 235 of 2004, the
petitioner was held guilty of the offences punishable under
Sections 279 and 304A of the Indian Penal Code and
sentenced to simple imprisonment for a period of six months
and a fine of Rs. 1,000/- for the offence punishable under
Section 279 of the Indian Penal Code and two years and fine of
Rs. 5,000/- for the offence punishable under Section 304A of
the Indian Penal Code. In the event of default, in making
payment of fine, he was directed, by the learned Trial Court, to

undergo simple imprisonment for a period of two months. Sentences were directed to run concurrently.

2. The petitioner, thereafter, preferred appeal before the Court of the learned Sessions Judge, Khagaria, which gave rise to Criminal Appeal No. 60 of 2011. The learned Additional Sessions Judge IV, Khagaria, has, vide judgment and order, dated 29.04.2016, upheld the judgment of conviction. However, he has modified the order of sentence by reducing it to one year simple imprisonment for the offence punishable under Section 304A of the Indian Penal Code and a fine of Rs. 5,000/-. The sentence for the proved offence under Section 279 of the Indian Penal Code has remained unaltered.

3. The petitioner has put to challenge the said appellate judgment and order, dated 29.04.2016, whereby his conviction of the offence punishable under Sections 304A and 279 of the Indian Penal Code has been upheld.

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

5. The petitioner is said to be in custody since 01.09.2016 when he surrendered before the learned Trial Court after rejection of his appeal.

6. Their being concurrent findings of facts recorded by the Courts below on the point of conviction of the

petitioner, I find that there is neither any exceptional circumstances pointed out by the learned Counsel appearing on behalf of the petitioner nor any ground to show that the judgment of conviction recorded by the Courts below are perverse. However, considering the fact that the petitioner has been facing prosecution since 2004 and he does not have any criminal antecedent, the sentence of imprisonment is modified and reduced to the period of custody which the petitioner has already undergone.

7. Let the petitioner be set free forthwith, if he is not required in connection with any other criminal case.

8. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
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