

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.25 of 2016

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1. Mahabir Sah, son of Late Jiwan Sah, resident of village- Mohbadiya, P.S. Chakai, District Jamui.

2. Shiv Narayan Singh @ Shiv Narayan Sah.

3. Kamal Sao @ Kamal Sah.

4. Dinu Sao @ Dinu Sah.

All 2 to 4 are sons of Bajo Sah, resident of village- Gandey, P.S. Bengabad, District- Giridih (Jharkhand).

5. Kamaldeo Sah @ Kamdeo Sah, son of Mahabir Sah.

6. Badri Sah, son of Mahdul Sah.

Both 5 and 6 are resident of village- Mohbadiya, P.S.- Chakai, District- Jamui.

7. Ishwar Sah, son of Bijo Sah, resident of village- Gandey, P.S. Bengabad, District- Giridih (Jharkhand).

8. Titu Sah, son of Bundel Sah, resident of village- Mohabadiya, P.S. Chakai, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Prakash, Adv.

For the Respondent/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 19-11-2016

The Court of learned Sub-Divisional Judicial



Magistrate, Jamui, by judgment of conviction and order of sentence, dated 26.11.2009, passed in G.R. No. 549 of 2000 / Tr. No. 398 of 2009, had held all the petitioners guilty of the offences punishable under Sections 147, 148, 323 and 448 of the Indian Penal Code and sentenced them to undergo simple imprisonment for a period of 6 months for the offences punishable under Sections 147, 323 and 448 of the Indian Penal Code. For the offence punishable under Section 148 of the Indian Penal Code, they had been sentenced to undergo rigorous imprisonment for a period of 1 year. Both the sentences were to run concurrently.

2. Learned appellate Court, i.e., court of 4th Additional District and Sessions Judge, Jamui, while affirming the judgment of conviction, has modified the order of sentence passed by the learned trial Court, *vide* judgment and order, dated 23.06.2015, in Cr. Appeal No. 66 of 2009, by directing their release on furnishing bail bond of Rs. 2,000/- with two sureties of the like amount each for maintaining peace and good behaviour for 2 years, giving them benefit under Section 4 of the Probation of Offenders Act.

3. This criminal revision application, under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, has been preferred against the conviction recorded and affirmed by the learned courts below.

4. Learned counsel, appearing on behalf of the petitioners, has not been able to convince me that the concurrent findings, recorded by the learned courts below, are perverse requiring interference by this Court in criminal revisional jurisdiction. Considering the mitigating circumstances, learned appellate Court has modified the sentence by giving the petitioners benefit under Section 4 of the Probation of Offenders Act.

5. No case of interference with the judgments and orders impugned is made out.

6. This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A.
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