

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.869 of 2016

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

1. Gaurav Kumar Son of Krishna Baldeo Singh resident of Village- Tola Dhanraj,
P.S.- Barahiya, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner : Mr. Ravindra Kumar, Advocate
Mr. Om Prakash Maharaj, Advocate
For the State : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 25-11-2016

The petitioner stands convicted of offences punishable under Sections 25 (1-B)(a) and 26 (1) of the Arms Act, 1959, and sentenced to imprisonment for a period of one year and two months for the offence punishable under Section 25 (1-B) (a) of the Arms Act, 1959, and for a period of one year for the offence punishable under Section 26 (1) of the Arms Act, 1959. A fine of Rs. 400/- for each of the proved offences has also been imposed on the petitioner with the stipulation that in default of payment of fine, the petitioner shall undergo simple imprisonment for a further period of 10 days. Both the sentences are to run concurrently.

2. The conviction of the petitioner under the aforesaid provisions of the Arms Act, 1959, and sentence imposed by the learned Trial Court has been affirmed by the learned Sessions Judge, Lakhisarai, vide its judgment and order, dated 16.05.2016, passed in Criminal Appeal No. 07 of 2016.

3. The present criminal revision application, under Section 397 read with 401 of the Code of Criminal Procedure, 1973, has been filed against the said judgment and order, dated 16.05.2016, passed by the learned Sessions Judge, Lakhisarai, in Criminal Appeal No. 07 of 2016.

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

5. Upon perusal of the materials on record, in my view, the petitioner is unable to make out an exceptional case that the findings of conviction recorded by the Courts below are perverse, being without any evidence or contrary to the evidence.

6. Learned Counsel appearing on behalf of the petitioner has, however, submitted that the petitioner has never been convicted earlier and this is for the first time he has been convicted in a criminal trial. He has also submitted that in course of investigation, the petitioner had remained in

custody from 25.03.2015 to 08.03.2016. Further, after dismissal of his appeal by the learned Appellate Court, he was taken into custody on 23.09.2016 and, thereafter, he is in custody.

7. Considering the facts and circumstances, as above, without interfering with the findings of conviction, sentence of imprisonment is modified and reduced to the period of custody already undergone by the petitioner.

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

9. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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