

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.699 of 2016

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1. Munna Kumar @ Rakesh Kumar
2. Chunchun Kumar
Both are sons of Late Prabhu Thakur, and Resident of Mohalla Baniya Patti
Chowk; Police Station Motihari Town, District East Champaran

.... Petitioner/s

Versus

1. State of Bihar
2. Lakshman Thakur, son of late Deodhari Thakur, Resident of Mohalla-
Bariyapatti Chowk, P. S. Motihari, Town, District-East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Respondent/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 20-12-2016 Heard learned counsel for the parties.

2. The learned Judicial Magistrate Ist Class, Motihari by his judgment and order, dated 21.10.2010, while convicting the petitioners of the offence punishable under Sections 341 and 323 of the Indian Penal Code has given them benefit of Section 3 of the Probation of Offenders Act after due admonition. The Court of learned First Additional Sessions Judge, Motihari has dismissed an appeal preferred against the said judgment and order passed in Criminal Appeal No. 25 of 2010 and thereby has affirmed the judgment and order of the learned trial Court.

3. The present criminal revision application has been filed under Sections 397 read with 401 of the Code of Criminal



Procedure, 1973 against the said judgment dated 21.05.2016 passed by the learned First Additional Sessions Judge, Motihari.

4. There being concurrent finding of fact recorded by the Courts below holding the petitioners guilty of the offence punishable under Sections 323 and 341 of the Indian Penal Code, I do not find it to be a fit case for interference since the said finding cannot be termed to be perverse.

5. Secondly, the learned Courts below considering the age of the petitioners has taken lenient view and has released them after giving them benefit of Section 3 of the Probation of Offenders Act.

6. The submission made on behalf of the petitioners that without evidence, the Courts below have recorded conviction of the petitioners is not convincing to me.

7. The impugned judgments and orders do not require interference. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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