

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.963 of 2015

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1. Udai Kumar, S/o Chandeshwar Mahto resident of Village- Rampur Deyal, P.S.-
Piar, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Laxminiya Devi W/o Sri Kishandev Paswan resident of Village- Rampur Deyal,
P.S.- Piar, District- Muzaffarpur (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the State : Mr. Suresh Prasad Singh, APP

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

JUDGMENT AND ORDER

ORAL

Date: 18-11-2016

The petitioner was convicted of an offence punishable under Section 354 read with Section 34 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of one year, with a fine of Rs. 3,000/- and, in default, to undergo simple imprisonment for a further period of three months, by a judgment and order, dated 03.10.2013, passed, by learned Judicial Magistrate, 1st Class, Muzaffarpur, in Trial No. 725 of 2013, arising out of Complaint Case No. 1134 of 2007.

2. On an appeal preferred by the petitioner, the



learned 7th Additional Sessions Judge, Muzaffarpur, by its judgment and order, dated 28.09.2015, passed, in Criminal Appeal No. 95 of 2013, while not interfering with the findings of conviction, has modified the order of sentence, considering the antecedent of the petitioner, and has, by giving him benefit of the Probation of Offenders Act, 1958, released him on furnishing probation bond of Rs. 10,000/- with two sureties of the like amount each, for a period of two years. The petitioner has been asked to maintain peace and good behaviour during the said period of two years.

3. In that background, the present revision application, under Section 397 of the Code of Criminal Procedure, 1973, has been preferred, basically, against the conviction of the petitioner for an offence punishable under Section 354 of the Indian Penal Code which has remained undisturbed up to the appellate stage.

4. I do not find any perversity in the findings recorded by the courts below, after having gone through the discussions made by the Courts below, on the evidence adduced at the trial. The learned Appellate Court has already taken a lenient view by giving the petitioner benefit of the Probation of Offenders Act, 1958.

5. The judgments and orders do not require interference. This application has not merit and it is,

accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-c

AFR/NAFR	NAFR
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