

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.430 of 2016

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

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1. Ram Bilash Manjhi S/o Ram Swaroop Manjhi, aged about 31 years by Caste Mushahar
 2. Badal Manjhi S/o Pairu Mnjhi aged about 26 years by Caste Mushahar
 3. Ramjee Manjhi S/o Tulsi Manjhi aged about 26 years by Caste Mushahar all residents of Village- Laghuara, P.S.- Halsi, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Respondent/s : Mr. S. N. Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 23-11-2016

The petitioners stood convicted, by the judgment and order, dated 03.09.2013, passed, by learned Sub Divisional Judicial Magistrate, Lakhisarai, in Trial No. 1297 of 2013, arising out of G. R. No. 699 of 2005, of offences punishable under Sections 25 (1-B) (a), 26 and 35 of the Arms Act, 1959, and were sentenced to undergo rigorous imprisonment for a period of two years for the offence punishable under Section 25 (1-B) (a) of the Arms Act, 1959, with a fine of Rs. 2,000/-, and one year rigorous imprisonment for the offence punishable under Sections 26 and 35 of the



Arms Act, 1959, with a fine of Rs. 1,000/-. In the event of non-payment of fine, they were directed to undergo rigorous imprisonment of one month. The Appellate Court, i.e., the Court of learned Ad hoc Additional Sessions Judge V, Lakhisarai, by its judgment and order, dated 06.11.2015, passed in Criminal Appeal No. 117 of 2013, has affirmed the conviction of the petitioners of the aforesaid offences under the Arms Act, 1959, but has modified the sentence of imprisonment to the period of judicial custody already undergone by them.

2. Being aggrieved by the judgment and order of the Courts below, the petitioners have preferred this criminal revision application under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973.

3. Heard learned Counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the State.

4. Learned Counsel appearing on behalf of the petitioners has submitted that no arms were recovered from their possession and no conclusive evidence could be adduced at the trial to prove the charge framed against these petitioners. It has also been submitted that despite their being apparent contradictions between the deposition of the prosecution witnesses, learned Appellate Court erroneously

recorded and affirmed petitioners' conviction of the offences punishable under Sections 25 (1-B) (a), 26 and 35 of the Arms Act, 1959.

5. It is not a case where this Court will be required to interfere, exercising criminal revisional jurisdiction, under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, with the concurrent findings recorded by the Courts below of petitioner's conviction under Sections 25 (1-B) (a), 26 and 35 of the Arms Act, 1959,, since the petitioners have not been able to make out a case that the findings are perverse, requiring such interference.

6. So far as the sentence is concerned, the same has already been modified by the Appellate Court by reducing it to the period of judicial custody already undergone by the petitioners.

7. This criminal revision application has no merit. It is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
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