

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.520 of 2017

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

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1. Guddu Singh Son of Rajendra Singh @ Khopri Singh Resident of Village- Babhangama, P.S.- Nowkothi, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr. Sanjay Kumar Tiwary No. 1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 17-07-2017

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

2. The petitioner stands convicted of the offence punishable under Section 25 (1-B) (a) and 26 (1) of the Arms Act, 1959, by the learned Trial Court, which has been affirmed by the impugned judgment and order, dated 18.01.2017, passed by learned Sessions Judge, Begusarai, in Criminal Appeal No. 61 of 2013.

3. The learned Trial Court had sentenced the petitioner to undergo rigorous imprisonment for a term of three years and a fine of Rs. 1,000/- The sentence has been



modified by the Appellate Court by reducing the term of sentence from 3 years to 18 months. The requirement of payment of fine has been waived of by the Appellate Court.

4. There being concurrent finding of conviction recorded by the two Courts below, learned Counsel for the petitioner, in the present criminal revision application, has failed to successfully assail the said findings, since no perversity in the findings has been pointed out. Learned Counsel has, however, submitted that in the background of the finding recorded by the Courts below and the offence alleged against the petitioner, the sentence imposed by the Appellate Court is too excessive.

5. The case of the prosecution is that from the petitioner's possession, a country made pistol and one live cartridge was recovered by the police, when he was trying to flee away on seeing the police party.

6. There is nothing on record to show that the petitioner has any criminal antecedent.

7. Learned Counsel for the petitioner has informed this Court that during investigation, the petitioner had remained in custody from 26.07.2005 to 28.02.2006 (7 months) and from 21.04.2017 till date (nearly 3 months).

8. In my view, without interfering with the findings of the Courts below over the petitioner's guilt, interest of



justice will be subserved by modifying the order of sentence of rigorous imprisonment from a term of 18 months to one year, which is the minimum sentence prescribed under the Act for the offence punishable under Section 25 (1-B) (a) of the Arms Act.

9. This application stands disposed of.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
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