

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.581 of 2016

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1. Pankaj Kumar Gupta S/o Dinanath Gupta, R/o Village Chini Mill, P.S.-
Buxar Town, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar Gupta, S/o Ram Narayan Prasad Gupta, R/o Village-
Itarhi, P.S.- Itarhi, District- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha
For the Respondent/s : Mr. Arun Kr. Panday (App)

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

4 15-02-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

The petitioner, upon having been convicted of
the offences punishable under Section 147 and 323 of the
Indian Penal Code, by learned Judicial Magistrate, 1st
Class, Buxar, in Complaint Case No. 444(C) of 2000 (Trial
No. 565 of 2011), allowed him benefit of Section 3 of the
Probation of Offenders Act, 1958.

The appeal, preferred by the petitioner against
the said judgment and order, dated 11.08.2011, has been
dismissed by learned Sessions Judge, Buxar, by an order,
dated 10.03.2016, passed in Criminal appeal No. 46 of
2011.



The petitioner has questioned, in the present criminal revision application filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, the impugned orders, on the ground of apparent error in the findings recorded by the Courts below.

I have perused the impugned order passed by the Courts below. The scope in revisional jurisdiction against concurrent findings of fact is very limited and such finding can be interfered with only on the ground of perversity, which has led to miscarriage of justice.

Learned Counsel for the petitioner has given a lot of emphasis on the part of the judgment of the learned Appellate Court where he has recorded that PW 4, in his deposition, has said that he was sitting on the tea-stall when the occurrence had taken place. Referring to the evidence of the witnesses, he has submitted that PW 4 was not at the tea-stall, as per his own deposition.

Mere mentioning of a fact by mistake in the judgment cannot, in the facts and circumstances of the case, alter the result. PW 4 has also claimed to be an eye-witness. Other witnesses have supported the case of the prosecution. The concurrent findings, recorded by the Courts below, in my opinion, cannot be said to be perverse, requiring interference by this Court in criminal revisional



jurisdiction.

This application has no merit and it is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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