

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1221 of 2016

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1. Sheoji Sahani, S/o Late Harihar Sahani,
2. Sita Ram Sahani, S/o Late Harihar Sahani, Both are residence of Village-
Kothiya Hareram, P.S.- Mehsi), Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Raja Ram Sahani, son of Late Dumar Sahani, resident of village-
Kothiya Hareram, P. S. Mehsi, District-East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

3 20-02-2017 Heard learned counsel for the parties.

2. The petitioners' conviction of offence punishable under Sections 323, 447, 504 of the Indian Penal Code by the learned trial Court in Complaint Case No. C-232 of 2003 has been upheld by impugned judgment and order, dated 05.08.2015, passed by learned 8th Additional Sessions Judge, East Champaran, Motihari in Criminal Appeal No. 33 of 2009.

3. The trial Court has sentenced the petitioners to undergo imprisonment for six months, one month and six months respectively for the offences under Sections 323, 447 and 504, which too has been upheld by the appellate Court. The petitioners are aggrieved by the said order passed by the appellate Court dated 05.08.2015 in the present proceeding.



4. It is submitted on behalf of the petitioners that petitioner No.1 has already served the sentence of imprisonment. So far as petitioner No.2 is concerned, he has also remained in custody for nearly four months. He submits that there being concurrent findings of fact recorded by the Courts below, he does not intend to assail such findings but submits that considering the nature of dispute between the parties and quality of evidence adduced at the trial, sentence may be reduced to a reasonable term.

5. I have perused the impugned judgments and orders. It is evident that the occurrence took place because of land dispute between the parties leading to filing of the complaint case. In the facts and circumstances of the case, in my opinion, interest of justice will be subserved if the term of sentence in case of petitioner No.2 is reduced to the period of custody, which he has already undergone in connection with the said complaint case.

6. This application is, accordingly, disposed of.

7. The conviction of the petitioners does not require interference. The impugned orders is, however, modified to the extent that terms of sentence is hereby, reduced in case of petitioner No.2 to the period of custody, which he has already undergone.

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(Chakradhari Sharan Singh, J)

