

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1102 of 2016

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Chamari Miya @ Gulam Noor Miya, Son of Marhum Piru
Miya, Resident of Village-Fuleldih, P. S. Imamganj, District-
Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar singh

For the Respondent/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 14-02-2017 I.A. No. 2109 of 2016 has been filed for condonation of
delay in filing of the present revision application.

2. For the reasons stated in the said application, the same
is allowed. The delay in filing of the application is condoned.

3. Heard learned counsel for the parties.

4. The petitioner stands convicted of an offence
punishable under Sections 498A and 323 of the Indian Penal
Code. He has been sentenced to undergo imprisonment for a
period of two years for the offence under Section 498A of the
Indian Penal Code and six months for the offence under
Section 323 of the Indian Penal Code by an order date
12.04.2006 passed by learned Sub Divisional Judicial
Magistrate, Sherghati . His appeal against the said judgment
and order has been dismissed by learned VIth Additional
Sessions Judge, Gaya by his judgment and order dated
02.05.2015 passed in Criminal Appeal No. 29 of 2014/203 of



2016. The present criminal revision application has been preferred against the aforesaid two orders.

5. In view of there being concurrent findings of fact recorded by the Courts below, learned counsel for the petitioner has submitted that this Court may, without interfering with the findings of conviction, reduce the sentence awarded by the trial Court and affirmed by the appellate Court. He has drawn my attention to an order of this Court dated 24.06.2016 passed in Cr. Revision No. 91 of 2016, whereby in case of husband and mother-in-law of the victim, this Court has directed for reducing the sentence to the period already undergone by them in custody. Petitioner is in custody since 09.08.2016.

6. Considering the above submission, without interfering with the conviction of the petitioner, sentence is reduced to the period during which the petitioner has already remained in custody in connection with G.R. No. 677 of 1998/Tr. No. 264 of 2006.

7. Judgments and orders passed by the Courts below stand modified accordingly.

8. This application is thus, disposed of.

Arun Kumar

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(Chakradhari Sharan Singh, J)

