

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1162 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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1. Jago Yadav @ Jageshwar Yadav Son of Narayan Yadav, resident of Village-
Balwachak, P.S.- Silao, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant sharma, Sr. Adv.
Mr. Arun Kumar Pandey, Adv.

For the Respondent/s : Mr. Rajendra Singh Shastri, APP

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

JUDGMENT AND ORDER
ORAL

Date : 16-01-2017

The present criminal revision application has been filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973, by the petitioner, feeling aggrieved by the judgment and order, dated 22.03.2005, passed by the learned Additional Sessions Judge, Fast Track Court No. V, Nalanda, at Biharsharif, in Criminal Appeal No. 24 of 1996, whereby, while dismissing the said criminal appeal, learned Appellate Court has affirmed the judgment of conviction and order of sentence, dated 02.02.1996, passed by the learned Judicial Magistrate, 1st Class, Biharsharif, in G. R. No. 2307 of 1990.



2. The learned Trial Court, by the aforesaid judgment and order, dated 02.02.1996, has convicted the petitioner for commission of offence punishable under Section 323 of the Indian Penal Code and has sentenced him to undergo simple imprisonment for a period of 6 (six) months.

3. It appears that over some petty dispute between the petitioner and the Opposite Party No. 2, some scuffle had ensued, leading to registration of the First Information Report.

4. After submission of charge sheet by the police, on completion of investigation, charges were framed and the criminal trial resulted into the conviction of the petitioner.

5. The present revision application has been filed against the aforesaid two orders passed by the Courts below.

6. Heard learned Senior Counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor representing the State.

7. It has been pointed out that after dismissal of appeal, the petitioner is in custody since 02.10.2016.

8. Learned Senior Counsel appearing on behalf of the petitioner has submitted, without challenging the finding of conviction of the petitioner, that this Court may consider reduction in the quantum of punishment awarded to the petitioner in view of nature of dispute between the parties.



9. Considering the facts and circumstances, nature of dispute leading to the occurrence and other mitigating factors, without interfering with the judgment of conviction, I am of the view that the ends of justice would be subserved if the sentence is modified and reduced to the period of custody already undergone by the petitioner.

10. Accordingly, the sentence awarded to the petitioner is modified and reduced to the period of custody already undergone by him. The petitioner is in custody. He is directed to be released forthwith, if he is not required in any other case.

11. This application is disposed of accordingly. The impugned orders passed by the Courts below stand modified in terms of the present order.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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