

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1190 of 2016

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

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1. Anil Kumar Singh,
2. Anjani Kumar Singh,
Both sons of Sri Suresh Singh, residents of Village Sarimpur, Buxar, Police Station
Buxar Industrial, in the district of Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shri Suresh Singh, son of late Ram Sanehi Singh, resident of village- Sarimpur,
Buxar, P.S.- Buxar Industrial Area in the district of Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Senior Advocate.
Mr. Surendra Pratap Singh, Advocate.
For the State : Mr. Ajay Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 15-12-2017

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The petitioners preferred this revision application
being aggrieved against the judgment dated 30.08.2016 passed by the
learned Sessions Judge, Buxar in Cr. Appeal No. 09 of 2011 thereby
affirming the judgment of conviction and sentence of the petitioners
dated 28.01.2011 passed by the Judicial Magistrate, 1st Class, Buxar in
Trial No. 1245 of 2011 arising out of Buxar Industrial P.S.Case No.
105 of 2004 registered under Sections 341, 323 and 354 of I.P.C.
however, petitioner Anil Kumar Singh has been acquitted under
Section 354 of I.P.C. The petitioners have been convicted under



Section 341 of I.P.C. and sentenced to undergo 15 days simple imprisonment and further convicted under Section 323 of I.P.C. and sentenced to undergo six months of simple imprisonment. In addition to the above, convict Anjani Kumar Singh is sentenced to undergo a simple imprisonment for six months under Section 354 of I.P.C. All the sentences were directed to run concurrently.

3. Learned counsel for the petitioners submits that informant is father of both petitioners and as they were not maintaining their father and eldest son and his family, so this false case has been lodged. However, a compromise petition was also filed on 29.02.2008 during the trial and the fact of compromise is admitted in para-20 of cross-examination of Suresh Singh (PW-2) informant. . Moreover, petitioners have remained in custody for more than a month.

4. Having considered the submissions and on perusal of record, the Court finds that Suresh Singh, informant (PW-2), admits the facts of entering into compromise by him as well as by his daughter-in-law, one of the injured but fact remains that compromise petition was not signed by one of the injured, daughter-in-law of the PW-2, however, it is a case of simple assault by the petitioners to their sister-in-law and father. Further, the impugned judgment shows that later on informant retracted from his compromise and contested the



case and one of the injured Shila Devi, the daughter-in-law of the informant, even not signed the compromise petition. However, considering the nature of relationship between the petitioners and the informant and the injured, upholding the conviction, the sentence is modified to the period of imprisonment as already undergone by them on all counts.

5. Accordingly, this revision application stands disposed of.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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