

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1231 of 2016

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Deepak Mandal Son of Late Upendra Mandal, resident of Village- Pariya,
P.S.- Bariyarpur, District- Munger (Accused- Appellant).

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Respondent/s : Mr. Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 18-07-2017 Conviction of the petitioner of offence punishable under section 401 of the Indian Penal Code and sections 137 and 147 of the Indian Railways Act recorded by the Trial Court in Trial No. 542 of 2016, arising out of Rail Bhagalpur P.S. Case No. 17 of 2015, has been affirmed by the learned Additional District and Sessions Judge-VI, Bhagalpur in Criminal Appeal No. 39 of 2016 by the judgment an order dated 07.09.2016, which is under challenge in the present criminal revision application.

Upon conviction, the Trial Court had sentenced the petitioner to undergo imprisonment for a period of 2 years for the offence punishable under section 401 of the Indian Penal Code and 3 months for the offences punishable under sections 137 and 147 of the Indian Railways Act. In addition, fine of Rs.1,000/- had been imposed by the Trial Court for the offence punishable under section 401 of the Indian Penal Code.



The Appellate Court by impugned judgment and order, without interfering with the findings of conviction recorded by the Trial Court, has modified the sentence of imprisonment for section 401 of the Indian Penal Code from 2 years to 20 months.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner has already spent nearly 17 months in custody. He has further submitted that it is a first case in which the petitioner has been convicted and lenient view needs to be taken in the matter of imposition of sentence.

After having realised difficulty in assailing the concurrent findings of conviction recorded by two Courts below, learned counsel on behalf of the petitioner has confined his submission on the question of sentence. According to him, the sentence of imprisonment for a period of 20 months may be reduced to the period of custody which the petitioner has already undergone, in connection with the case in hand.

Considering the facts and circumstances of the case and certain mitigating circumstances available on record, this revision application is disposed of by modifying the order of sentence from the period of 20 months to the period of custody which the petitioner has already undergone.

This revision application stands disposed of.

(Chakradhari Sharan Singh, J)

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