

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.182 of 2017

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

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1. Suresh Yadav S/o Mugeshwar Yadav @ Mungeshwar Yadav resident of Village
- Bedhna Tola, Sukan Bigha, P.O. - Deo (Dhibra), District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Ms. Meera Singh, Advocate

For the Respondent/s : Mr. Nawal Kishore Prasad, APP

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

JUDGMENT AND ORDER
ORAL

Date: 27-04-2017

I. A. NO. 342 OF 2017

I.A. No. 342 of 2016 has been filed by the petitioner, under Section 5 of the Limitation Act, seeking condonation of delay of more than six years in preferring the present criminal revision application.

2. Learned Senior Counsel appearing on behalf of the petitioner has submitted that the petitioner is a daily wage earner and after filing of appeal, he had gone to some other State for earning his livelihood, because of which he could not get track of the appeal filed before the learned Appellate Court and, therefore, no pairvi was done on his



behalf in the appeal filed by him in the Court below. Since the petitioner had no knowledge of the judgment and order passed in the criminal appeal filed by him, he could not file criminal revision within the stipulated time.

3. Having considered the reasons assigned in the present petition seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the petitioner was prevented by sufficient causes from preferring the application within time.

4. In view of the above, the delay of more than six years, in preferring the present application, is hereby condoned.

5. I.A. No. 342 of 2017 stands disposed of.

CRIMINAL REVISION NO. 182 OF 2017

6. The present criminal revision application has been preferred by the petitioner against the judgment and order, dated 25.09.2010, passed in Criminal Appeal No. 32 of 2006/15 of 2010, by learned Additional Sessions Judge II, Aurangabad, whereby he has confirmed the judgment of conviction recorded by the learned Trial Court, i.e. Court of learned Judicial Magistrate, 1st Class, Aurangabad, dated 24.03.2006, passed in G. R. No. 189 of 1990/Trial No. 17 of 2006. The learned Trial Court convicted the petitioner of offence punishable under Sections 279 and 304A of the



Indian Penal Code, for negligent and rash driving and sentenced him to undergo imprisonment for a period of six months for the offence punishable under Section 297 of the Indian Penal Code with a fine of Rs. 500/- and two years for the offence punishable under Sections 304A of the Indian Penal Code with a fine of Rs. 1,000/-. The sentences were to run concurrently.

6. Upon perusal of the materials on record and examining the judgments and orders of the learned Courts below, I am of the view that there being concurrent finding recorded by the learned Courts below on the question of conviction, no interference is required in the criminal revisional jurisdictional since no case of perversity is made out. However, I am of the view, at the same time, that in the facts and circumstances of the case, the sentence should be modified in view of mitigating circumstances.

7. Learned Senior Counsel for the petitioner has submitted that he has already remained in custody for more than a year.

8. Considering the above submission, while upholding the conviction, the sentence of the petitioner is hereby reduced to the period of custody which the petitioner had already undergone.

9. This application is disposed of with the



observation as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.05.2017
Transmission Date	01.05.2017

