

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.748 of 2016

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

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1. Jay Prakash Yadav, Son of Basudeo Yadav,
2. Devnarayan Yadav, Son of Ram Sahaya Yadav,
3. Basudeo Yadav, Son of Ram Sahaya Yadav
All are resident of Village-Alkajara, Police Station Jhajha, District-
Jamui.

.... Petitioners

Versus

1. The State of Bihar.
2. Sitaram Yadav, Son of Ayodhya Yadav, resident of Village-
Alkajara, Police Station Jhajha, District- Jamui.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Jyoti Ranjan Jha Mr. Pramod Kumar
For the State	:	Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 07-04-2017

Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor representing the State.

2. The learned Additional Sessions Judge II, Jamui,
by the judgment and order, dated 09.05.2016, passed in
Criminal Appeal No. 170 of 2013, has affirmed the judgment
of conviction of the petitioners of offences punishable under
Sections 147, 341 and 323 of the Indian Penal Code and their
sentence to imprisonment for a period of one year for the
offence punishable under Section 147 of the Indian Penal
Code, 06 (six) months for the offence punishable under
Section 323 of the Indian Penal Code and one month for the



offence punishable under Section 341 of the Indian Penal Code.

3. The present criminal revision application has been filed against the said judgment and order passed by the learned Appellate court.

4. There being concurrent finding of facts recorded by the Courts below, holding the petitioners guilty of the offences punishable under various sections of the Indian Penal Code, as noted above, I am not inclined to interfere with such findings in criminal revisional jurisdiction by re-appreciating evidence, which is not permissible.

5. However, considering the genesis of occurrence as has emerged from the materials on record, in my view, interest of justice will be subserved if the sentence is modified to the period of custody which the petitioners have already undergone in course of investigation or trial, arising out of concerned G.R. Case No. 916 of 1991 (Trial No. 730 of 2003)

6. This application stands disposed of.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.04.2017
Transmission Date	13.04.2017

