

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.606 of 2016

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Panchlal Mahto, Son of late Rasiklal Mahto, Resident of Village- Dharahara, Police
Station Gopalpur District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Respondent/s : Mr. Sanjay Kr. Pandey, APP

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

ORAL JUDGMENT & ORDER

Date: 07-02-2017

Heard the parties.

2. The petitioner stands convicted of the offence punishable under Section 25(1-B)a of the Arms Act and has been sentenced to undergo rigorous imprisonment for a period of two years at a trial by judgment and order, dated 10.03.2011, passed by the learned Judicial Magistrate, Ist Class, Naugachia in Gopalpur P.S. Case No. 155 of 2007, corresponding to G.R. No. 517 of 2007/T.R. No. 960 of 2011. The said judgment and order, dated 10.03.2011, has been affirmed by the Court of learned 3rd Additional District and Sessions Judge, Naugachia *vide* his judgment and order, dated



18.01.2016, passed in Cr. Appeal No. 25 of 2011.

3. The present criminal revision application, under Section 397 read with Section 401 of the Code of Criminal Procedure, has been filed against the aforesaid two judgments.

4. Without entering into the controversy on the concurrent findings recorded by the courts below, holding the petitioner guilty of the offence punishable under Section 25(1-B)a of the Arms Act, learned counsel for the petitioner has submitted that in course of investigation the petitioner was in custody from 21.06.2007 to 28.11.2007. It is his further case that after his appeal was dismissed by the impugned order, he was taken into custody on 09.04.2016 and since then he is in custody. He is said to have, thus, remained in custody for a total period of more than fifteen (15) months. It has also been submitted that since the petitioner has no criminal history and he has remained in custody for a period of more than fifteen (15) months, this Court may consider reducing the period of sentence to the period for which the petitioner has already remained in custody.

5. Considering the facts and circumstances of the case and submissions so advanced on behalf of the petitioner, this application is disposed of by modifying the order of sentence by reducing it from two (2) years to the period of custody which the



petitioner has already undergone. So far as payment of fine is concerned, the same will remain as directed by the learned courts below.

6. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
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