

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.780 of 2007

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SUDHIR PATHAK @ SUDHIR KUMAR PATHAK, sosn of Late Dashrathh
Pathak, resident of village Ramchadra Dih, Police Station Chakai, District
Jamui Petitioner/s

Versus

The State Of Bihar Respondent/s

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Appearance :

For the Petitioner/s : NONE
For the Respondent/s : Mr. APP.

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

ORAL JUDGMENT

Date : 21-07-2017

No one appears on behalf of the petitioner. Learned
Additional Public Prosecutor representing the State of Bihar is
present.

2. For an occurrence, said to have taken place on
10.07.1995, a complaint case was filed by one Sadanand
Mishra, with the allegation that this petitioner and co-accused,
Krishna Lal Mishra, removed 50 bamboos, standing over the
plot of the complainant. Upon objection having been made, the
accused persons became ready to assault. Thereafter, on cry for
help having been made, few persons rushed there and, thus,
some untoward incident could be avoided. The trial commenced
after enquiry under Section 202 of the Code of Criminal
Procedure, 1973. The learned Trial Court held the petitioner
guilty of offences punishable under Sections 447, 379 and 323



of the Indian Penal Code. The Trial Court accordingly sentenced the petitioner to undergo imprisonment for two months for the offence punishable under Section 447 of the Indian Penal Code, 06 months for the offence punishable under Section 323 of the Indian Penal Code and 06 months for the offence punishable under Section 379 of the Indian Penal Code. The said finding of conviction has been affirmed by the learned Appellate Court. However, the sentence has been modified by giving the petitioner benefit of Sections 3 and 4 of the Probation of Offenders Act, 1958.

3. No interference is required with the concurrent findings recorded by the Courts below, particularly, in view of the fact that the petitioner has been given benefit of Sections 3 and 4 of the Probation of Offenders Act, 1958.

4. This is probably the reason why there is no representation on behalf of the petitioner.

5. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
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