

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1173 of 2016

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1. Rajendra Rai, Son of Shri Ramam Rai,
2. Raman Rai, Son of Late Dhaneshwar Rai,
Both are resident of Village- Pachpokharia, P.S.- Chhauradano, District-
East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Anuj Kumar, Advocate.
Mrs. Priyanka Singh, Advocate.

For the Respondent/s : Mr. Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

8 30-08-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

This revision application is preferred against the
judgment and order dated 15.09.2016 passed by the Additional
District Judge-IV, Motihari, East Champaran in Cr. Appeal No. 79
of 1990 whereby he has upheld the order of conviction and
sentence passed by the trial Court in Trial No. 670 of 1990 arising
out Chhauradano P.S.Case No. 59 of 1985. Both petitioners have
been convicted under Section 323 of the Indian Penal Code and
sentenced to undergo six month of rigorous imprisonment.

In the argument, the learned counsel assails the
judgment only on the point of sentence.



Learned counsel for the petitioners contends that alleged occurrence is of the year 1985, more than 40 years have elapsed since the occurrence and the informant and accused persons both are next door neighbours and petitioners have remained in custody for a month and have suffered the rigorous of trial; so period of sentence may be modified from sentence of six moth to period already undergone.

Having considered the submission and on perusal of record, it is evident that the informant and the accused persons- petitioners of this revision application are next door neighbours and due to filling of land offence of simple assault was committed. Moreover this occurrence was committed way back in the year 1985 and the petitioners have already suffered rigorous of trial for a long period, so upholding the conviction against the petitioners under Section 323 of the Indian Penal Code, period of sentence is modified to one month of simple imprisonment setting of period of sentence already undergone. Accordingly, this application stands disposed of.

(Arun Kumar, J)

Sujit/-

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