

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.950 of 2016

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1. Suraj Deo Thakur, Son of Late Rasbihari Thakur, Resident of Village-
Gauspur Izara, P.S.- Hajipur Sadar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 31-01-2017 This criminal revision application under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the **Code**) has been filed against judgment and order, dated 24.06.2016 passed by the learned Second Additional Sessions Judge, Vaishali at Hajipur in Criminal Appeal No. 60 of 2012, whereby he has affirmed the conviction of the petitioner recorded by the Court of learned Judicial Magistrate Ist Class, Hazipur in G. R. Case No. 44 of 1988, Trial No. 3324 of 2012 of the offences punishable under Sections 347 and 420 of the Indian Penal Code.

2. The trial Court after convicting the petitioner had sentenced to undergo rigorous imprisonment for a period of two years for the offence under Section 347 of the Indian Penal Code and three years for the offence punishable under



Section 420 of the Indian Penal Code, with fine. The appellate Court considered the sentence to be a bit harsh, in the facts and circumstances of the case in the impugned judgment and order and has reduced the sentence to rigorous imprisonment for one year for the offence under Section 347 of the Indian Penal Code and one and half year for the offence under Section 420 of the Indian Penal Code. The fine amount has also been reduced by the appellate Court.

3. The petitioner challenges his conviction of the offence, in the present criminal revision application.

4. Learned counsel appearing on behalf of the petitioner has submitted that the prosecution witnesses were known to each other and their evidence ought not to have been accepted by the Court below.

5. I have perused the lower Court's records and have considered the submissions advanced on behalf of the petitioner. There are three prosecution witnesses, who have clearly supported the case of the prosecution. This is not a case where evidence of witnesses can be brushed aside on the ground of they being interested witnesses. P.W.1 is the brother of the complainant, who supported the case of the prosecution. The complainant was no more at the stage of trial for being examined. P. Ws. 2 and 3 are neighbours and



they cannot be termed as interested witnesses on that ground. The oral evidence is corroborated by documentary evidence.

6. This is trite law that concurrent findings of fact recorded by the Courts below need not be interfered by the High Court in the revisional jurisdiction. The findings recorded by the Courts below cannot be said to be completely erroneous and glaringly illegal requiring exercise of revisional power of this Court under Sections 397 read with 401 of the Code.

7. I do not find any merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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