

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1174 of 2016

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1. Nandu Shah S/o late Vishnu Shah@Bisho Shah Resident of Village-
Mirganj, Ward No. 23, P.S. Nagar, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Respondent/s : Mr. Sri Arun Kumar Singh -5, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 06-03-2017 After having been convicted of offence punishable under Section 380 of the Indian Penal Code by judgment dated 28.10.2014 passed by learned Judicial Magistrate 1st Class, Begusarai in Trial No. 244 of 2004 arising out of Begusarai Town P.S. Case No. 156 of 1999, the petitioner was sentenced to undergo rigorous imprisonment for a period of two years. The court of learned Additional Sessions Judge V, Begusarai has confirmed the said judgment of conviction and order of sentence by the impugned order dated 24.09.2016 passed in Criminal Appeal No. 78 of 2004.

On perusal of the First Information Report and other materials on record, it appears that it is a case of circumstantial evidence. Learned counsel for the petitioner, taking a line of least



decision, has submitted that there being concurrent findings of fact recorded by the courts below, leading to conviction of the petitioner, without interfering with such findings, this Court may consider modification of the order of sentence of imprisonment to the period of custody, which the petitioner has already undergone, instead of two years as awarded by the courts below. He has submitted that the petitioner has remained in custody for nearly six months during the trial and after his conviction.

Considering the facts and circumstances, I find substance in submission made on behalf of the petitioner. The finding of conviction recorded by the courts below is upheld and sentence of imprisonment is modified from the term of two years imprisonment to the period of custody, which the petitioner has already undergone.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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