

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.136 of 2017

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1. Kapildeo Mahto, Son of Kunjan Mahto, resident of village - Mohni Khurd, P.S. Majorganj, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv, Mr. Pankaj Kumar, Adv with
Mrs. Sandhya Kumari Sinha, Adv

For the Respondent/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 03-03-2017

The petitioner is aggrieved by judgment and order dated 11.11.2016, passed in Criminal Appeal No. 61 of 1998 by learned Sessions Judge, Sitamarhi, whereby he has affirmed the conviction of the petitioner under Section 324 of the Indian Penal Code recorded by the trial court and the sentence of rigorous imprisonment for a period of three years.

Learned counsel for the petitioner without going into the correctness of the concurrent findings recorded by the courts below on petitioner's conviction has submitted that one Badri Mahto, was also convicted in the same Sessions Trial No. 311 of 1989/ 15 of 1990 of the offence punishable under Section 307 of the Indian Penal Code had preferred Criminal Appeal (S.J.) No. 218 of 1998 before



this Court. This Court by order dated 11.07.2013, has reduced the sentence of 10 years imprisonment to period of custody already undergone by him. A copy of the said order has been produced by the learned counsel for the petitioner before me. He has submitted that similar treatment may also be given in case of the petitioner particularly when the petitioner has not been convicted of the offence punishable under Section 307 of the Indian Penal Code rather under Section 324 of the Indian Penal Code.

Considering the submissions, so advanced, on behalf of the petitioner, this application is disposed of without interfering with the findings of conviction by modifying the order of sentence to the period of custody which the petitioner has already undergone.

This application is, disposed of, accordingly, with the aforesaid modification.

(Chakradhari Sharan Singh, J)

Ranjan/-

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