

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.262 of 2017

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1. Gupta Singh, Son of Late Ram Nandan Singh,
2. Raghubansh Singh, Son of Late Ram Briksh Singh, Both residents of
village - Bheriya, Police Station Aurangabad Muffasil, District -
Aurangabad (Bihar) Petitioner/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Advocate
Mr. Manoj Kumar, Advocate
Mr. Meenakshi Singh, Advocate
For the Respondent/s : Mr. Sri Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 22-03-2017 The petitioners, after having been convicted of the offence punishable under Section 33 of the Indian Forest Act, 1927 stood sentenced to imprisonment for a term of six months by judgment and order dated 30.05.1997, passed by learned Judicial Magistrate 1st Class, Aurangabad. The said finding of conviction and imposition of sentence has been affirmed by learned Additional Sessions Judge-IV, Aurangabad in Criminal Appeal No. 55 of 1997/14 of 2015. The present criminal revision application has been filed assailing the finding of conviction and sentence so awarded.

The First Information Report was registered in the year 1992 which gave rise to the trial, in question, in which the judgment and order came to be passed in the year 1997. The appeal preferred by the petitioners remained pending for nearly 19



years.

Mrs. Nivedita Nirvikar, learned counsel appearing on behalf of the petitioners has submitted that petitioners no. 1 and 2 have remained in custody continuously since 06.02.2017 and 08.02.2017 respectively. She has drawn my attention to the nature of accusation in the First Information Report, findings recorded by the courts below and the fact that there were two official witnesses to support the case of the prosecution at the trial in order to contend that a liberal approach ought to have been taken by the courts below and may be taken by this Court, in the matter of imposition of sentence by modifying the orders impugned.

I find substance in the submission made on behalf of the petitioners. Considering long pendency of the case and the agony, which the petitioners might have undergone, without interfering with the concurrent findings of conviction recorded by the courts below, I consider it appropriate to modify the term of sentence to the period of custody, which the petitioners have already undergone.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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