

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.259 of 2017

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1. Jay Narayan Paswan, son of Late Baso Paswan, resident of Village- Manikpur,
P.S.- Simraha (Forbesganj), District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv

For the Respondent/s : Smt. Anita Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 09-03-2017

For an incident which had taken place in the year 1998, the petitioner stood convicted and sentenced by judgment and order dated 26.09.2008 of the offences punishable under Sections 279 and 304A of the Indian Penal Code. For the offence under Section 304A of the Indian Penal code, the petitioner has been sentenced to undergo rigorous imprisonment for a period of two years with fine of Rs. 2000/-. For the offence under Section 279 of the Indian Penal code the sentence is of six months imprisonment. The appeal preferred against the said judgment and order dated 26.09.2008, of the trial court, has been rejected by judgment and order dated 10.11.2016 passed in Criminal Appeal No. 18/93 of 2008, by learned 1st, Additional Sessions Judge, Araria, which is being challenged in the



present criminal revision application filed under Sections 397 and 401 of the Cr.P.C.

Learned counsel for the petitioner has submitted that he does not intend to enter into the correctness of findings of conviction recorded by the two courts below. He has, however, submitted that considering the fact that the occurrence had taken place in the year 1998, and the petitioner has been held guilty of causing death by negligence, more lenient view ought to have been taken by the courts below in the matter of imposition of sentence.

Considering the facts and circumstances and submission so advanced, on behalf of the petitioner, this application is disposed of without interfering with the findings recorded by the courts below, however, by modifying the order of sentence to the period of custody, which the petitioner has already undergone, in connection with the proceeding arising out of Forbesganj P.S. Case No. 113 of 1998.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	
CAV DATE	
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