

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.25 of 2014

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1. Shobhakant Choudhary Son Of Bahadur Choudhary Resident Of Village-Gadhsisai, P.S.-Vidyapati Nagar, Distt.-Samastipur.
 2. Hareram Choudhary Son Of Bahadur Choudhary Resident Of Village-Gadhsisai, P.S.-Vidyapati Nagar, Distt.-Samastipur.
 3. Bahadur Choudhary @ Ram Bahadur Choudhary Son Of Late Jattu Choudhary Resident Of Village-Gadhsisai, P.S.-Vidyapati Nagar, Distt.-Samastipur.
 4. Bhagwat Choudhary Son Of Ram Lagan Choudhary Resident Of Village-Gadhsisai, P.S.-Vidyapati Nagar, Distt.-Samastipur.
 5. Geeta Houdhary Son Of Ram Lagan Choudhary Resident Of Village-Gadhsisai, P.S.-Vidyapati Nagar, Distt.-Samastipur.
 6. Bhushan Choudhary Ram Lagan Choudhary Resident Of Village-Gadhsisai, P.S.-Vidyapati Nagar, Distt.-Samastipur.
 7. Tika Choudhary Son Of Ram Lagan Choudhary Resident Of Village-Gadhsisai, P.S.-Vidyapati Nagar, Distt.-Samastipur.
 8. Ram Swarath Choudhary Son Of Ghuttar Choudhary Resident Of Village-Gadhsisai, P.S.-Vidyapati Nagar, Distt.-Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Laxman Das Son Of Late Bahadur Das Resident Of Village - Gadhsisai, P.S.-Vidyapati Nagar, District-Samastipur

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv
For the Respondent/s : Mr. Aditya Nr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT
Date: 08-03-2017



By order dated 29.04.2000 passed by the learned Judicial Magistrate, First Class, Dalsinghsarai in C.C. No. 256 of 1992, Trial No. 50 of 2000, the petitioners stood convicted of the offences punishable under Sections 147, 323, 341 and 385 of the Indian Penal Code. After having convicted of the said offences, learned trial court instead of sentencing them to imprisonment or fine, gave them benefit of Probation of Offenders Act.

The said judgment and order dated 29.04.2000, has been affirmed by learned 1st Additional Sessions Judge, Samastipur, by his judgment and order dated 25.09.2013 passed in Criminal Appeal No. 48 of 2000.

The petitioners are aggrieved by the said judgments and orders of the courts below in the present criminal revision application filed under Section 397 of the Code of Criminal Procedure, 1973.

Evidently, there is concurrent finding of the courts below on the question of conviction of the petitioners of the offences punishable under Sections 147, 323, 341 and 385 of the Indian Penal Code.

On perusal of the impugned judgments and orders, I find that the court below has taken into account and discussed meticulously the evidence adduced at the trial. The conclusions



cannot be said to be perverse requiring this Court's interference for disturbing the concurrent findings leading to conviction of these petitioners. Keeping in view the nature of accusation, the courts below have taken lenient view in the matter of imposing sentence and instead of imposing sentence of imprisonment or fine the petitioners have been let off, by giving them benefit of provisions under the Probation of Offenders Act, 1958.

In my view, the judgments and orders impugned in the present proceeding do not require interference as the findings cannot be said to be palpably wrong, without any evidence or contrary to evidence.

I find no merit in this application, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
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