

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1109 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- KHAGARIA

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1. Madan Kumar Jha @ Madan Jha, son of Late Krishna Mohan Jha,
2. Ashok Jha @ Ashok Kumar Jha, Son of Late Brij Mohan Jha.
3. Kailash Chandra Jha @ Kailash Jha, Son of Late Kapleshwar Jha,
All 1 to 3 are resident of Jamalpur Bazar, P.S. Gogari, District- Khagaria.
..... Petitioner/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha
For the Respondent/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 10.01.2017

Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor representing the State.

2. The petitioners have been convicted of offences punishable under Sections 147, 426 and 380 of the Indian Penal Code, by the judgment and order, dated 24.11.1997, passed by the learned Judicial Magistrate, 1st Class, Khagaria, in Trial No. 225 of 1997, arising out of G. R. No. 1029 of 1984. After holding them guilty of the aforesaid offences, the learned Trial Court sentenced them to undergo imprisonment for a period of one month for the offence punishable under Section 426 of the Indian Penal Code and three months for the offence punishable under Section 380 of the Indian Penal Code. No sentence was imposed for the offence punishable under



Section 147 of the Indian Penal Code.

3. The Appellate Court of learned Additional Sessions Judge I, Khagaria, upheld the conviction and sentence by judgment and order, dated 11.08.2016, passed in Criminal Appeal Nos. 98 of 1997 and 99 of 1997.

4. The present criminal revision application has been filed against the said judgment and order, dated 11.08.2016, passed by the learned Additional Sessions Judge I, Khagaria.

5. Learned Counsel appearing on behalf of the petitioners has submitted, without questioning the finding of conviction, that since the First Information Report was instituted in the year 1984, after more than three decades the Courts below ought to have taken a more lenient view in awarding sentence.

6. Considering the submission as above and and other mitigating factors, without interfering with the finding of conviction, the sentence imposed upon conviction of these petitioners under Section 380 of the Indian Penal Code is modified and reduced to one month.

7. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.01.2017
Transmission Date	11.01.2017

