

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1158 of 2016

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1. Pankaj Kumar Dubey, aged, about 38 years, S/o Umesh Kumar Dubey,
2. Umesh Kumar Dubey, aged about 64 years, S/o Late Rada Krishna Dubey, Both resident of Village- Chausa, P.S.- Buxar, Mufassil, District-Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh

For the Respondent/s : Mr. Sri Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 06-04-2017 Heard learned counsel for the parties.

2. The petitioners after having been convicted for the offences punishable under Sections 325, 341 and 379 of the Indian Penal Code, have been sentenced to undergo imprisonment for a term of three years by the trial Court, which has been modified by the Court of learned Additional Sessions Judge, IVth, Buxar by his judgment and order, dated 17.08.2016, passed in Criminal Appeal No. 08 of 2009, modifying the sentence by giving them benefit of Section 4 of the Probation of Offenders Act.

3. In the present criminal revision application filed against the said order based by the learned appellate Court, learned



counsel appearing on behalf of the petitioners has submitted that the prosecution, though miserably failed to establish the assault caused by the petitioners, the trial Court as well as the appellate Court erroneously held them guilty of the offence. He has also submitted that previous enmity between the petitioners and the informant is an admitted fact as would be evident from the records and, therefore, the Courts below ought to have given the petitioner benefit of doubt.

4. On perusal of the impugned orders and materials available on record, it cannot be said that the findings recorded by the Court below, which are concurrent, suffer from perversity. This is admitted that in the counter case filed by these petitioners, the informant had also been convicted of the same offence and his side has also been given benefit of Probation of Offenders Act.

5. Since the findings recorded by the Court below cannot be said to be perverse, requiring interference by this Court in revisional jurisdiction against concurrent findings, I do not find it to be a fit case for interference.

6. This application is, accordingly, rejected.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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