

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.783 of 2017

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

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Md. Sultan @ Md. Sultan Ali, son of Late Daud Ali, Resident of Village-
Manoharpur (Mani Yarpur) P.O. Narayanpur, P.S. Manihari, District- Katihar

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate

Mr. Bhola Prasad, Advocate

For the State : Mr. Parmanand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 31-08-2017

Heard learned counsel for the parties.

2. The petitioner has filed this criminal revision application challenging the judgment of conviction and order of sentence dated 10.03.2003, passed by learned Railway Judicial Magistrate, Katihar in C-II Case No.777 of 2000 whereby the petitioner has been convicted under Sections 147 and 153 of the Indian Railway Act and sentenced to undergo RI for three months and RI for two years for committing the offences respectively. However, both the sentences are directed to run concurrently.

3. Learned counsel appearing on behalf of the petitioner submits that the allegation against the petitioner is that in the village side he was crossing the railway track on his tractor while a railway trolley was coming in that direction. Habitually the local villagers use to pass the railway track for agricultural purposes. However, he only confines his argument to modification of sentence. The sentence of two years is disproportionate to the offence committed by the petitioner in the



background of the fact of the case. It is further submitted that the petitioner has remained in custody approximately for three months.

4. Learned counsel for the State supports the period of sentence.

5. Having gone through the materials and evidence on record that the petitioner was passing through the railway track by his tractor in the village side and no any kind of injury has been caused to the informant and other railway employees passing through the motor trolley on the railway track. There is no any earlier conviction to the petitioner in any case so his period of sentence for both the offences are modified with the period already undergone by the petitioner but he is imposed fine of Rs.1,000/- in addition to the sentence for committing offence under Section 147 of the Indian Railway Act and in case of failure to deposit the said amount, he shall further undergo SI for one month.

6. Accordingly, the criminal revision application stands disposed of.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
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