

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.1127 of 2018**

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1. Rajiv Das, S/o Late Ram Sharan Das, Resident of Village- Parora, Police Station- Rosera, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Respondent/s : Mr. Kumar Virendra Narayan

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

- 2      09-10-2018      This revision application has been preferred against the judgment and order dated 13.6.2018 passed by Sri Ved Prakash Singh, Additional District and Sessions Judge, Rosera at Samastipur in Cr. Appeal No.16 of 2016 by which he has affirmed the conviction of the petitioner under Section 25(1-b) and 26 (1-a) of the Arms Act passed by the learned trial court and sentenced to undergo R.I. for one year and fine of Rs.1,000/- and in default, S.I. for three months and by the aforesaid judgment and order he has affirmed the judgment and order passed by the learned ACJM Ist, Rosera in Rosera P.S. Case No.333 of 2014 (G.R.No.1134 of 2014 T.R. No.1676 of 2016, by which he has convicted the petitioner under Section 25(1-b) a and 26(1) and 35 of the Arms Act and sentenced R.I. for two years under Section 25(1-b)a/35 of the Arms Act and R.I. for one year under Section 26(1)/35 of the



Arms Act and both the sentences were directed to run concurrently.

The prosecution case in short is that as per the FIR there is recovery of one country-made pistol from the possession of the petitioner. The case has been lodged after the charge-sheet was submitted and the cognizance was taken. The trial was conducted and he has been convicted under Section 25(1-b)a, 26 and 35 of the Arms act and sentenced as mentioned above, against which the petitioner has preferred Criminal Appeal No.61 of 2016 and the conviction has been affirmed, however, the sentence was reduced to the period of R.I. for one year and a fine of Rs.1,000/- .

Being aggrieved by the aforesaid order, the present revision application has been preferred.

After some argument, learned counsel for the petitioner has confined his argument on the question of sentences submitting that this is the first offence and he is aged about 28 years of age. The petitioner has to suffer in his life due to his young age and he has suffered rigors and agony for trial for the period of four years and as such his sentences be reduced. On perusal of the judgment of the appellate court it appears that he has affirmed the conviction under Section 25(1-b) and 26 (1) and 35 of the Arms Act and reduced the sentence to R.I. for one year



and fine of Rs.1,000/- which is the minimum sentence as prescribed under Section 25(1-b) of the Arms Act.

In such view of the matter, this revision application is devoid of merit.

Considering the fact and circumstances of the case, the judgment and the sentences is affirmed. The period already undergone in custody by the petitioner be reduced as per the provisions prescribed under Section 428 of the Cr.P.C.

With the aforesaid modification, this revision application is dismissed.

**(Vinod Kumar Sinha, J)**

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