

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.794 of 2015

Arising Out of PS. Case No.-1766 Year-2005 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

=====

Raghavendra Mishra Son of Krishna Chandra Mishra, resident of village-
Hasaud, P.S.- Belsand, Distt.- Sitamarhi, at present Village- Shekhapur, P.S.-
Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prem Shankar Jha @ Prem Shekhar Jha Son of Late Madhukant Jha,
Residence of Shekhpur, P.S.- Ahiyapur, Distt. Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Jha
For the Respondent/s	:	Mr. MANOJ KUMAR 1(APP)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-03-2018 The petitioner has challenged the judgment of conviction and order of sentence dated 09.06.2015 passed by the learned Judicial Magistrate Ist Class, Muzaffarpur in Complaint Case No. 1766 of 2005 (T.R. No. 733 of 2015) whereby they have been convicted under Sections 323 and 341 of the Indian Penal Code and have been given the benefit under the Probation of Offenders Act, 1958 after looking into the fact that they were the first offenders and had faced trial for almost ten years.

I have perused the judgment and order of conviction.



The case of the complainant is that the petitioners were the tenants and they changed their quarter without informing the complainant. When rent was demanded for the period that the petitioners has stayed in the house, the complainant was abused and assaulted. When the complainant went back to his house, the petitioners followed and chased him, dragged him out of his house and beat him up.

Four witnesses have been examined on behalf of the complainant, all of whom have supported the occurrence. The place, date and time of the occurrence has also been fully established.

Considering the aforesaid fact, this Court is not inclined to interfere with the judgment and order of conviction; more so when the trial court has taken note of the fact that the petitioner is the first offender and thereby has accorded the benefit of Section 3 of the Probation of the Offenders Act to him.

The present revision petition is, therefore not entertained, and is dismissed.

krishna/-

U		T	
---	--	---	--

(Ashutosh Kumar, J)

