

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.511 of 2018

Arising Out of PS. Case No.-133 Year-2006 Thana- GIRIYAK District- Nalanda

Gopal Kumar @ Gopal Prasad, S/o Bipin Bihari Chaudhary, R/o village-
Mahamadpur, P.S.- Tarapur, District- Munger, at present Manager, Shivani
Petrol Pump, Ghorahi, P.S.- Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate. Mr. Raj Kishor Prasad, Advocate.
For the Respondent/s	:	Mr. Umesh Lal Verma, Advocate.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 13-09-2018

This revision application is preferred by the revisionist -petitioner against the judgment dated 20.01.2018 passed by 8th Addl. District and Sessions Judge, Nalanda at Bihar Sharif in Criminal Appeal No. 41 of 2013 by which he has affirmed conviction of the appellant-petitioner under Sections 25(1-B)a and 25(1-B)a/26 of the Arms Act and further modified the sentence under Section 25(1-B)a of the Arms Act from one and half year rigorous imprisonment and fine of Rs. 500 to one year simple imprisonment and fine of Rs. 500 and further under Section 25(1-B)a/26 Arms Act, he has affirmed the sentence for six months simple imprisonment and fine of Rs. 500/-.

The aforesaid criminal appeal was preferred against the judgment and order dated 16.05.2013 passed by Mrs. Sulekha Jha, J.M. 1st Class, Nalanda at Bihar Sharif in G.R. No. 1937 of 2006 by which she has convicted the petitioner under Sections 25(1-B)a and 25(1-B)a/26 of the Arms Act and sentenced to undergo rigorous imprisonment for one and half year and a fine of Rs. 500/- under Section 25(1-B)a and under Sections 25(1-



B)a/26 of the Arms Act to undergo six months simple imprisonment and to pay a fine of Rs. 500/-.

Learned counsel for the petitioner confined his argument on the question of sentence and submitted that petitioner has already remained in custody for nine months during trial and he suffered a lot and has sufficiently been punished for the alleged offence.

In view of discussion made above, I find that there is no illegality and impropriety in the judgment of conviction upheld by the appellate court. So far order of sentence is concerned, the appellate court himself has taken a lenient view in sentencing the appellant-petitioner under Section 25(1-B)a for a period of one year, which is the minimum sentence provided under the above section and further sentenced under Section 25(1-B)a/26 for six months, as such no interference is required in the order of sentence. However, for the period under which the petitioner has remained in custody, he shall be entitled for set off in accordance with law.

With the aforesaid observation, this revision application is dismissed.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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