

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1020 of 2018

Arising Out of PS. Case No.-322 Year-1988 Thana- KHUSRUPUR District- Patna

1. Ramashish Singh, son of late Jhhauri Singh.
2. Sudama Kumar Sharma @ Sudama Singh, son of Shri Ram Lagan Sharma, both are resident of village - Musarhi, P.S.- Karai Parsurai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary, Advocate
		Mr. Vijay Kumar, adv,
For the Respondent/s	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-11-2019

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have moved the Court against the order dated 18.05.2018 passed by the 6th Additional Sessions Judge, Patna City, Patna, in Criminal Appeal No.30 of 2018 by which the judgment and order dated 09.02.2016 of conviction and sentence against the petitioners passed by the Additional Chief Judicial Magistrate, Patna City, Patna, in GR No.1024 of 1988 arising out of Khusrupur P.S. Case No.322 of 1988 has been upheld.

3. The petitioners, along with five others, were convicted under Sections 365 and 386 of the Indian Penal Code



(hereinafter referred to as the 'Code') and sentenced to simple imprisonment for three years and fine of Rs.3,000/- for offence under Section 365 of the Code and three years simple imprisonment and fine of Rs.2,500/- for offence under Section 386 of the Code and in the event of default in payment of fine, further six months simple imprisonment.

4. Learned counsel for the petitioners submitted that they have not been named in the First Information Report and have been falsely implicated by the police without any genuine basis. It was submitted that the petitioners have not been named by the victim during deposition and even identification has not been made in the manner required under law. It was submitted that the victim boy has not implicated them with regard to any overt act or role in the crime. It was submitted that petitioners have undergone almost 1½ years in prison.

5. Learned APP submitted that the trial Court has considered the evidence and has drawn the right conclusion and even the appellate Court has considered the matter in detail and not found merit in the appeal. It was submitted that the petitioners were caught when they were asking for ransom money and their two accomplices had fled away and, thus, they being the persons, who were there to collect the ransom money,



their complicity in the act is evident.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any ground to interfere. The reasonings given by the trial Court as well the appellate Court are cogent, based on the materials on record, which cannot be said to be either perverse or unwarranted.

7. Thus, the application stands disposed off without interfering in the conviction recorded by the Courts below. However, on the point of quantum, the Court finds that the period undergone by the petitioners would serve the ends of justice.

8. Accordingly, the judgments impugned stand modified to the extent that the conviction of the petitioners under Sections 365 and 386 of the Code remains uninterfered with, whereas, the sentence is modified to the period of imprisonment undergone.

9. The petitioners, if in custody, shall be released forthwith, if not wanted in any other case.

(Ahsanuddin Amanullah, J)

J. Alam/-

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