

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 934 of 2018

Arising Out of PS Case No.-102 Year-2005 Thana- BACHHWARA District- Begusarai

Ranjeet Rai, Son of Madeni Rai, Resident of Village- Makaradiara, P.S.-
Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Singh, Advocate
For the State	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 21-11-2019

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

2. The petitioner has moved the Court against the order dated 15.05.2018 passed by the Additional Sessions Judge, 7th, Begusarai in Cr. Appeal No. 87 of 2010 by which the judgment and order of conviction and sentence dated 29.06.2010 passed by the Judicial Magistrate, 1st Class, Begusarai in Trial No. 680 of 2010 / GR No. 2558 of 2005, corresponding to Bachhwara PS Case No. 102 of 2005, has been upheld.

3. The petitioner is alleged to have been apprehended with a countrymade pistol and one live cartridge. Upon trial, he was convicted under Sections 25 (1-B) (a) and 26 of The Arms



Act, 1959 (hereinafter referred to as the 'Act') and sentenced to undergo 18 months imprisonment and rupees three thousand fine under each section and in default to undergo imprisonment for one month each.

4. The challenge to the same in Criminal Appeal No. 87 of 2018, has been rejected.

5. Learned counsel for the petitioner restricted his argument on the quantum of sentence and submitted that during trial he has already undergone imprisonment of more than 7 months and after the dismissal of the appeal, he was in custody for more than four months. It was submitted that in view of the petitioner having suffered imprisonment for sufficiently long period, the judgments of the lower Courts on the point of sentence be modified to the period undergone.

6. Learned APP submitted that a countrymade pistol and one live cartridge were recovered from the possession of the petitioner and, thus, he has rightly been convicted.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and taking note of the fact that learned counsel for the petitioner has prayed for consideration on the point of sentence only, in the considered



opinion of the Court, the ends of justice would be served by modifying the sentence to the period undergone.

8. Accordingly, the application stands disposed off without interfering in the conviction of the petitioner under Sections 25(1-B) (a) and 26 of the Act, but modifying the sentence to the period of imprisonment already undergone.

9. The petitioner stands discharged from the liability of his bail bonds.

10. The lower Court records be returned forthwith.

(Ahsanuddin Amanullah, J.)

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