

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.614 of 2017

Arising Out of PS. Case No.-90 Year-2014 Thana- KURTHA District- Jehanabad

=====

Bipin Singh Son of Upendra Singh, Resident of Village- Benipur,
P.S.- Kurtha, District- Arwal.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra, Adv

For the Respondent/s: Mr. Binod Bihari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

11-02-2019

Heard learned counsel for the appellant as well as
learned Additional Public Prosecutor.

2. Instant appeal has been preferred against judgment
of conviction and order of sentence dated 10.01.2017 passed by
First Additional District & Sessions Judge-cum-Special Judge,
Jehanabad in POCSO Case No. 20/2014 arising out of Kurtha
PS Case No. 90/2014 whereby and whereunder the sole
appellant, Bipin Singh has been found guilty for an offence
punishable under Section 376/511 IPC and sentenced to undergo
RI for 5 years, under Section 8 of the POCSO Act, and
sentenced to undergo RI for 5 years with a further direction to



run the sentences concurrently.

3. Learned counsel for the appellant has confined his submission only to the extent of sentence and for that, has submitted that appellant had gone under judicial custody vide order dated 10.11.2014 whereupon, his period of judicial custody happens to be more than 4 years against substantial sentence of 5 years. Also submitted that in the background of evidence of the victim PW-6, in consonance with the findings recorded by the learned lower court, the period undergone be held sufficient for saturation of the sentence so inflicted by the learned lower court under the aforesaid Sections and to that extent, the judgment of sentence be modified.

4. Learned APP though opposed but submitted that appellant has got no criminal antecedent. Also submitted that major portion of sentence have already been undergone. Giving liberty of few months will be of no use.

5. After having overall appraisal of the record in consonance with the finding recorded by the learned lower court, it looks appropriate to concede with the submissions made on behalf of learned counsel for the appellant.

6. That being so, maintaining the conviction whatsoever at the end of the learned lower court, sentence is



modified as period undergone under both counts. The instant appeal is disposed of in terms of modification of sentence.

7. Appellant, Bipin Singh is under custody. He is directed to be released forthwith if not wanted in any other case.

(Aditya Kumar Trivedi, J)

perwez

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	20/02/2019
Transmission Date	20/02/2019

