

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1260 of 2019

Arising Out of PS. Case No.-192 Year-2013 Thana- DUMRA District- Sitamarhi

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1. SUSHIL MUKHIYA, Son of Mahabir Mukhiya
 2. Jawahar Mukhiya, Son of Mahabir Mukhiya
 3. Bachche Mukhiya, Son of Late Shiv Dhari Mukhiya
 4. Shankar Mukhiya, Son of Late Gudar Mukhiya
All Resident of Village - Hari Chhapra, P.S.- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar
For the Respondent/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 02-12-2019

Heard parties.

This criminal revision petition has been filed for setting aside the judgment dated 31.7.2019 passed by learned Sessions Judge, Sitamarhi in Cr. Appeal No. 9 of 2019 dismissing the appeal and affirming the judgment of conviction and order of sentence dated 4.1.2019 passed by Assistant Sessions Judge-II, Sitamarhi in Sessions trial no. 264/2014 arising out of Dumra P.S. Case No.192/2013 convicting petitioners under Section 324 of IPC and sentencing them to undergo rigorous imprisonment of 1 year and fine of Rs.2,500/- and in default of payment of fine, to further undergo simple imprisonment of 15 days.

Prosecution case is based upon written complaint of



informant upon which FIR was drawn that on 17.7.2013 at about 3.30 p.m., 6 accused variously armed with deadly weapons came to the house of informant and asked him to remove dried maize stalks from his piece of land and on denial made by father of informant that he has kept the stalks on his own land, accused became agitated and started assaulting his father and when mother and son of informant went to rescue him, they were also assaulted.

Police after investigation submitted charge-sheet against the accused persons in the court of learned CJM, Sitamarhi and cognizance was taken on 12.3.2014 and case was committed for sessions trial on 21.4.2014 and charges were framed on 23.12.2014 under Section 307 of IPC which accused denied and claimed to be tried.

The learned trial court upon appreciation and consideration of documentary as well as oral evidence on record, convicted petitioners under Section 324 of IPC and sentenced them to undergo rigorous imprisonment of one year and fine of Rs.2,500/- and in default of payment of fine, to further undergo simple imprisonment of 15 days. Petitioners preferred criminal appeal being Criminal Appeal No. 9 of 2019 which was heard by learned Sessions Judge, Sitamarhi and after



re-consideration and re-appreciation of evidences and materials available on record, upheld the conviction of petitioners under Section 324 of IPC as well as sentence of rigorous imprisonment of 1 year and fine of Rs.2,500/- and in default of fine, to further undergo simple imprisonment of 15 days.

After hearing counsel for the petitioners as well as counsel for the State this court does not find any infirmity or error in the judgment of conviction passed by the trial court and affirmed by the appellate court as such, this criminal revision petition is dismissed.

However, as petitioners have no criminal antecedent and incident took place on account of land dispute, the order of sentence is reduced to the period already undergone by the petitioners. Petitioners are directed to be released from prison forthwith, if not wanted in any other case.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.01.2020
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