

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1464 of 2019

Arising Out of PS. Case No.-18 Year-2010 Thana- NOORSARAI District- Nalanda

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Kumar Neelmani Azad Patel @ Kumar Neelmani Azaj Patel (M), aged about 40 years, Son of Sadhu Sharan Prasad, Village Kashmirichak, P.S. Noorsarai, District Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 03-02-2021 Heard both sides.

The petitioner filed this revision petition for setting aside the judgment of conviction and order of sentence dated 03.03.2017, passed by the learned Sub-divisional Judicial Magistrate, Nalanda at Biharsharif in Noorsarai P.S. Case No.18 of 2010, corresponding to G.R. No.223 of 2010/T.R. No.920 of 2017, whereby the petitioner has been convicted under Section 25(1-B) of the Arms Act and sentenced to undergo S.I. for three years, and fine of Rs.3000/-. The petitioner has further been convicted under Section 26(1) of the Arms Act and sentenced to undergo S.I. for one year, and fine of Rs.1000/-. The petitioner further prays for setting aside the judgment and order dated 22.08.2019, passed by the learned Additional Sessions Judge, F.T.C.-II, Nalanda at Biharsharif in Criminal Appeal No.14 of 2017 upholding the



judgment and order of conviction of the petitioner and the sentence of the petitioner is modified to one year. The petitioner is further directed to pay a fine of Rs.1000/-.

Learned counsel for the petitioner submits that besides the hearing on the question of sentence, the judgment and order is based on no evidence. It is submitted that the seizure witnesses were not examined. None of the independent witnesses has been examined. The prosecution case appears to be a false story.

The learned Additional P.P. on the other hand submits that the trial court convicted the petitioner under Sections 25(1-B) and 26(1) of the Arms Act and sentenced to undergo S.I. for three years and one year respectively. The appellate court also confirmed the conviction and reduced the sentence from three years to one year and a fine of Rs.1000/-. All the witnesses have very categorically stated that arms and ammunitions were recovered from possession of the petitioner and there is no substantial contradiction. There is a concurrent finding about the guilt of the petitioner under Sections 25(1-B) and 26(1) of the Arms Act and the revision is devoid of any merit.

Having considered the submissions of both sides and on perusal of the records, I find that the trial court discussed the evidence of all the four prosecution witnesses and found the petitioner guilty under Sections 25(1-B) and 26(1) of the Arms Act



and sentenced the petitioner to undergo S.I. for three years under both the sections. However, the sentences are directed to run concurrently. The appellate court also considered the evidence and affirmed the order of conviction. However, the appellate court reduced the sentence of the petitioner from three years to one year and fine from Rs.3000/- to Rs.1000/-. I do not find any material irregularity in the judgments and findings of the trial court as well as the appellate court, therefore, I do not find any reason to interfere in the findings and order of conviction of both the courts and, therefore, I do not any merit in the revision petition. The petitioner has already served the sentence for about a year, therefore, the sentence is modified to the period already undergone. The petitioner shall deposit the cost within three months.

With the aforesaid modification in sentence, the revision petition is dismissed.

(Prabhat Kumar Jha, J)

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