

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.377 of 2018

Arising Out of PS. Case No.-225 Year-2009 Thana- KHARIK District- Bhagalpur

Rajesh Kumar @ Rajesh Kumar Singh, S/o Dhoko Singh, R/o Village-
Jamaldipur, at Present Niranjana Nagar, P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate

For the Respondent/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 31-08-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

Petitioner in this case is aggrieved by and dissatisfied with the judgment dated 18.01.2018 passed by the learned Additional District and Sessions Judge-II, Naugachia, District- Bhagalpur in Cr. Appeal Case No.60/2014 whereby and whereunder the learned Sessions Judge has been pleased to dismiss the appeal and affirm/upheld the judgment dated 16.05.2014 passed in G.R.No.1709/2009, T.R. No.865 of 2014 arising out of Kharik P.S. Case No.225 of 2009 dated 20.12.2009 under Section 25(1-b)a, 26 of the Arms Act by learned S.D.J.M., Naugachia, Bhagalpur by which the petitioner has been sentenced to undergo two years rigorous imprisonment with a fine of Rs.3,000/- and in default of payment of fine he shall undergo three months rigorous imprisonment.



It appears that by the impugned judgment the learned trial court as well as the appellate court have recorded that the prosecution had proved the case against the petitioner beyond all reasonable doubts. The petitioner was prosecuted for being in possession of the one loaded pistol and 14 cartridges.

The learned trial court has sentenced the petitioner to undergo two years of rigorous imprisonment and a fine of Rs.3,000/-. If the petitioner fails to pay the fine, he will undergo an additional imprisonment for three months.

This Court finds from the order dated 11.09.2018 passed by the learned predecessor Bench that this revision application has been entertained on the question of sentence and it has been ordered to be disposed of at the admission stage itself.

Learned counsel for the petitioner submits that this was the first offence of the petitioner. He has involved in this case about one decade ago but thereafter he has not fallen in any other act or omission and has no criminal antecedent. Presently he is a mature person and is engaged in farming having no criminal antecedent. Thus, this Court may consider reducing the sentence to a substantive extent.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed this application but it is submitted that, in the given facts and circumstance, this Court may reduce the sentence



to one year.

Having heard learned counsel for the petitioner and learned APP for the State, this Court is of the considered opinion that the sentence imposed upon the petitioner may be reduced to the minimum period of one year. No special reason has been shown to this Court to reduce the sentence for a term of less than one year.

In the circumstances stated above, this revision application is being disposed of.

The sentence awarded to the petitioner is reduced to one year rigorous imprisonment. The petitioner is said to have served about eight months of sentence, therefore, he is directed to surrender within a period of one month from today for serving the remaining sentence. He will also pay a fine of Rs.3,000/-, failing which he would be liable to undergo an additional period of three months simple imprisonment.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

