

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.598 of 2018

Arising Out of PS. Case No.-2 Year-2004 Thana- MOUZAHDIPUR District- Bhagalpur

1. Hari Shankar Gupta son of Sri Mahesh Prasad Gupta
2. Pritam Kumar Gupta @ Guddu @ Pritam Kumar, son of Sri Mahesh Prasad Gupta.
3. Mahesh Prasad Gupta, son of Late Lalicharan Gupta, All Nos. 1 to 3 are resident of Kajichak, Bounsi Road, P.S. Mojahidpur, District- Bhagalpur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Shyam Kishor Das, Advocate
		Mr. Ashutosh Kumar, Advocate
For the State	:	Mr. Abhay Kumar – 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 02-08-2022 This revision application has been filed for setting aside of the judgment dated 28.02.2018 passed in Cr. Appeal No. 82 of 2011 by which the learned Additional Sessions Judge- V, Bhagalpur has upheld the judgment of the learned trial court and refused to interfere with the same.

It appears from the impugned judgment that the learned trial court held the petitioners guilty for the offences under Sections 323, 341 and 337/34 IPC. The trial court, however, allowed them the benefit of Section 3 of the Probation of Offenders Act and release them after due admonition.

This Court has noticed from the impugned judgment that in order to substantiate the prosecution case altogether 7



witnesses were examined. The injury report of the informant has been proved by the doctor whereas the informant has proved the written report and the S.H.O. has proved formal FIR and the endorsement made on the written report. The learned appellate court has examined the evidence of all the witnesses and found that the learned trial court has taken a lenient view of the matter by releasing the appellants under Section 3 of the Probation of Offenders Act. The appellate court, however, did not interfere with the same. There are concurrent finding of the facts which supports the judgment of conviction.

This Court finds that by virtue of Section 12 of the Probation of Offenders Act since the petitioners have been dealt under Section 3 of the said Act, no disqualification shall be adjudged to the said conviction. Section 12 reads as under:-

“12. Removal of disqualification attaching to conviction.—Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law:
Provided that nothing in this section shall apply to a person who, after his release under section 4 is subsequently sentenced for the original offence.”

In the given facts and circumstances and the materials, sitting in its revisional jurisdiction, this Court finds no perversity with the impugned judgment.



This revision application has, thus, no merit. It is dismissed accordingly but with a clarification that in view of Section 12 of the Probation of Offenders Act, no disqualification shall be attached to the conviction.

(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'.

