

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.355 of 2023**

Arising Out of PS. Case No.-134 Year-1995 Thana- ARWAL District- Jehanabad

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JAGDISH MAHTO @ JAGDEEP SINGH DEVANANDA MAHTO Resident
of Village- Bajitpur, P.S.-Ghoshi, District-Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Braj Kishore Singh Chouhan
For the Respondent/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

C.A.V. ORDER

- 6 14-09-2023 1. Heard learned counsel for the parties concerned.
2. The present revision application has been filed against the judgment and order, dated 08.02.2023, passed, by learned 2nd Additional Sessions Judge, Jehanabad, in Criminal Appeal No. 25 of 2017, whereby the learned 2nd Additional Sessions Judge, Jehanabad, has affirmed the judgment of conviction and order of sentence, dated 24.03.2017, passed, by learned Sub Divisional Judicial Magistrate, Arwal, in G. R. No. 1527 of 1995/Trial No. 198 of 2016, arising out of Arwal Police Station Case No. 134 of 1995.
3. By the judgment and order, dated 24.03.2017, the petitioner has been convicted of the offence punishable



under Section 25 (1-B)a of the Arms Act and sentenced to undergo rigorous imprisonment for a term of eighteen months and fine of Rs. 1,000/- and in default of payment of fine, he was further sentenced to undergo rigorous imprisonment for a term of fifteen days.

4. There being concurrent findings of fact recorded by the District Courts leading to conviction of the petitioner for offence under Sections 25 (1-B)a of the Arms Act, the same cannot be disturbed by this Court in revisional jurisdiction in the absence of any ground available that the said finding(s) is/are perverse being without evidence or contrary to evidence.
5. Learned Counsel appearing on behalf of the petitioner has not been able to make out a case that this is an exceptional circumstance where because of complete lack of evidence, the concurrent findings recorded by the District Courts can be held to be perverse. I am, therefore, not inclined to interfere with the judgments of conviction of the petitioner.
6. Learned Counsel for the petitioner has, however, submitted that considering the fact that the petitioner has remained in custody in connection with this case for



about thirteen months out of the total sentence of eighteen months, and as such, a lenient view needs to be taken, according to him, in the matter of imposition of sentence. He further submits that this Court may also consider the long pendency of the criminal case, i.e. for nearly 28 years, in order to reduce the period of sentence to the period of custody, which the petitioner has already undergone.

7. Taking a holistic view of the matter and taking into consideration the materials available on record, while not interfering with the findings recorded by the District Courts, in view of what has been submitted by the petitioner, the period of sentence of imprisonment for a term of eighteen months is reduced to the period of custody already undergone by the petitioner.
8. The petitioner is directed to deposit the amount of fine within a period of one month from today, failing which it will have the same consequence as recorded by the learned Trial Court in its judgment and order, dated 24.03.2017.
9. The petitioner is in custody. Let the petitioner be released forthwith if not wanted in any other criminal case.



10. With the aforesaid modification in the sentence, this
revision application stands disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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