

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.451 of 2023**

Arising Out of PS. Case No.-2401 Year-2010 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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GHANSHYAM MANDAL Son of Sri Chhatish Mandal Resident of village -
Badiya, P.S. - Raghubansh Nagar, Distt. - Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand
For the Respondent/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

C.A.V. ORDER

- 5 07-10-2023 1. Heard learned counsel for the parties concerned.
2. The present revision application has been filed against the judgment and order, dated 05.06.2023, passed, by learned Sessions Judge, Purnea, in Criminal Appeal No. 07 of 2023, whereby the learned Sessions Judge, Purnea, has affirmed the judgment of conviction and order of sentence, dated 23.11.2022, passed, by learned Sub Divisional Judicial Magistrate, Purnea, in G. R. Case No. 2401 of 2010, arising out of Barhara Kothi (Raghubanshnagar) Police Station Case No. 116 of 2010.
3. By the judgment and order, dated 23.11.2022, the petitioner has been convicted of the offence punishable under Sections 25 (1-B)a and 26 (1) of the Arms Act. For



the charge under Section 25 (1-B)a of the Arms Act, the petitioner was sentenced to undergo simple imprisonment for a term of three years and fine of Rs. 500/-. For the charge under Section 26 (1) of the Arms Act, the petitioner was sentenced to undergo simple imprisonment for a term of three years and fine of Rs. 500/-. In default of payment of fine, he was further sentenced to undergo simple imprisonment for a term of one month. Both the sentences were directed to run concurrently.

4. There being concurrent findings of fact recorded by the District Courts leading to conviction of the petitioner for offences under Sections 25 (1-B)a and 26 (1) 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 two years out of the total sentence of three years and as such, a lenient view needs to be taken, according to him, in the matter of imposition of sentence.
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 three years 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 23.11.2022.
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.

11.Let the Lower Court's Record be returned to the learned
District Court forthwith.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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