

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.601 of 2021**

Arising Out of PS. Case No.-22 Year-2002 Thana- SAHIYARA District- Sitamarhi

MINTU KUMAR @ ANKUSH KUMAR @ MINTU PANDIT Son of Fakira
Pandit R/o Village- Madhpur Mushaharwa, P.S.- Sahiyara, Distt- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAMASHISH MANJHI Son of Shanichar Manjhi Resident of Village-
Dayan Chhapra, P.S.- Sahiyara, Distt- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dinesh Jha
For the Respondent/s	:	Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER

C.A.V.

Date : 16-10-2023

Heard learned Counsel for the parties concerned.

2. The present revision application has been filed against the judgment and order, dated 20.07.2021, passed, by learned 5th Additional Sessions Judge, Sitamarhi, in Criminal Appeal No. 90 of 2017, whereby the learned 5th Additional Sessions Judge, Sitamarhi, has affirmed the judgment of conviction and order of sentence, dated 20.09.2017, passed, by learned Judicial Magistrate, 1st Class, Sitamarhi, in G. R. No. 1091 of 2002/Trial No. 1824 of 2016, arising out of Sahiyara Police Station Case No. 22 of 2002.



3. By the judgment and order, dated 20.09.2017, the petitioner has been convicted of the offences punishable under Sections 279, 337 and 304-A of the Indian Penal Code. For the charge under Section 279 of the Indian Penal Code, the petitioner was sentenced to undergo simple imprisonment for a term of six years and fine of Rs. 1,000/-. For the charge under Section 337 of the Indian Penal Code, the petitioner was sentenced to undergo simple imprisonment for a term of six months and fine of Rs. 100/-. For the charge under Section 304-A of the Indian Penal Code, the petitioner was sentenced to undergo simple imprisonment for a term of two years and fine of Rs. 1,500/-. In default of payment of total fine of Rs. 3,000/-, the petitioner was further sentenced to undergo simple imprisonment for a term of one month. All 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 279, 337 and 304-A of the Indian Penal Code, 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 10 months out of the total sentence of two 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 two 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 20.09.2017.



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.

11. I. A. No. 01 of 2023 also stand disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	27-09-2023
Uploading Date	16-10-2023
Transmission Date	16-10-2023

