

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL REVISION No.802 of 2022**

Arising Out of PS. Case No.-158 Year-2001 Thana- ARIYARI District- Sheikhpura

CHHOTAN SINGH Son of Sri Shiva Kant Singh Resident of Village- Gadua,  
P.S.- Chewara in the district of Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar  
For the Respondent/s : Mr.Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**C.A.V ORDER**

- 7      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 10.12.2010, passed, by learned Additional Sessions Judge, Sheikhpura, in Criminal Appeal No. 73 of 2010/09 of 2010, whereby the learned Additional Sessions Judge, Sheikhpura, has affirmed the judgment and order, dated 09.06.2010, passed, by learned Sub Divisional Judicial Magistrate, Sheikhpura, in G. R. Case No. 498 of 2001/Trial No. 269 of 2010, arising out of Ariyari (Chewara) Police Station Case No. 158 of 2001.
3. By the judgment and order, dated 09.06.2010, the



petitioner has been convicted of the offences punishable under Sections 147, 149, 342, 323, 379 and 411 of the Indian Penal Code. For the conviction, under Section 147 of the Indian Penal Code, the petitioner has been sentenced to undergo simple imprisonment for a term of six months years. For the conviction, under Sections 342 and 323 of the Indian Penal Code, the petitioner has been sentenced to undergo simple imprisonment for a term of three months and six month respectively. For the conviction, under Section 279 and 411 of the Indian Penal Code, the petitioner has been sentenced to undergo simple imprisonment for a term of two years each. No separate sentence has been passed for the conviction under Section 149 of the Indian Penal Code. 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 147, 149, 342, 323, 379 and 411 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 15 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 maximum term of two years is reduced to the period of custody already undergone by the petitioner.
8. The petitioner is in custody. Let the petitioner be released forthwith if not wanted in any other criminal case.



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

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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