

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.77 of 2019

Arising Out of PS. Case No.-275 Year-2015 Thana- KANTI District- Muzaffarpur

Dinesh Chaudhary Late Ram Briksh Chaudhary Vill-Tarma Kaparpura,P.S-
Kanti,Distt.-Muzaffarpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nachiketa Jha
For the Respondent/s : Mr. Sri Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 11-11-2024 Heard the learned counsel for the appellant and the
learned Special P.P. for the State.

2. This appeal has been filed against the order dated 15.12.2018 passed in Trial No. 41 of 2015 arising out of Kanti P.S. Case No. 275 of 2015 under Section 354A of the Indian Penal Code and under Section 8, 12, 14 and 18 of the POCSO Act by the learned A.D.J.-1st cum Special Judge, POCSO Act by which he convicted the appellant under Section 354A (2) of the Indian Penal Code and sentenced him to R.I. for two years and six months and fine of Rs. 25,000/-. He further stated that out of 25,000/- (Twenty Five Thousand), 20,000/- (Twenty Thousand) shall be given to the victim.

3. Learned counsel for the appellant, at the very outset, does not challenge the judgment and order of conviction



and he limits his argument only on the quantum of sentence.

4. It is further submitted that the appellant is 34 years old and he is not a habitual offender and this is the first offence committed by him and he prays for a lenient view.

5. I have considered the submission of the parties.

6. In the facts of the case, this Court does not interfere in the conviction of the appellant which is upheld but the sentence to undergo rigorous imprisonment for 2 years and six months and a fine of Rs. 25,000/- (Twenty Five Thousand) is modified to rigorous imprisonment for six months and fine of Rs. 25,000/-(Twenty Five Thousand).

7. If the appellant has already undergone rigorous imprisonment for a period of six months including the period of remission etc. then upon payment of fine of Rs. 25,000/- (Twenty Five Thousand) as indicated above, he is directed to be released forthwith if he is not wanted in any other case.

8. Accordingly, this appeal stands partly allowed.

(Sandeep Kumar, J)

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