

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.405 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- East Champaran

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1. SHAMSHER RAI AND Anr Son of Saryug Rai Resident of Village - Katahariya, PS- Chhauradano, Distt- East Champaran
 2. Ram Swarup Rai Son of Saryug Rai residents of Village Katahariya, P.S.- Chhauradano

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar
For the Respondent/s : Mr.Abha Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 24-10-2024 Heard the parties.

2. The present appeal has been preferred against the judgment and order of conviction and sentence dated 14.12.2018 passed by Presiding Officer, Fast Track Court-II, East Champaran at Motihari in S.Tr. No. 36 of 2006 / 4187 of 2016 by which the appellant no. 1 Shamsheer Rai and appellant no. 3 namely Ram Swarup Rai have been convicted for offences under Sections 324, 447 of the Indian Penal Code.

3. Learned senior counsel for the appellants Mr. Hemendra Prasad Singh has submitted that the appeal filed on behalf of appellant nos. 2 and 4 has been withdrawn earlier vide order dated 6.2.2019.

4. So far as the appellant nos. 1 and 3 namely Shamsheer Rai and Ram Swarup Rai are concerned, learned senior counsel for the appellants, at the very outset, does not



challenge the judgment of conviction and he limits his argument to the punishment awarded to them.

5. Learned senior counsel for the appellants further submits that the appellants are senior citizens and are now aged about 69 and 70 years and they have already undergone rigors of trial since 1994.

6. Learned APP for the State and learned Spl. P.P. for SC/ST Act have opposed the application of the appellants.

7. I have considered the submission of the parties.

8. This Court is of the view that interest of justice will be served if the appellants are sentenced to the period already undergone with a fine of Rs. 500 each under Section 324 of the Indian Penal Code and also a fine of Rs. 500 each under Section 447 of the Indian Penal Code.

9. With the aforesaid modification in the sentence, this appeal stands partly allowed.

(Sandeep Kumar, J)

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