

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.394 of 2019**

Arising Out of PS. Case No.-269 Year-2016 Thana- GAYA MUFASIL District- Gaya

MD. MUMTAZ @ MUMTAZ ANSARI Moin Ansari @ MD. Moin Ansari
Resident of Village - Abgilla Jagdishpur, P.S.- Muffasil , Distt.- Gaya
... .. Appellant/s

Versus

The State of Bihar Bihar
... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mrigendra Pratap Singh
For the Respondent/s : Mr.Abhay Kumar
For the State : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 28-10-2024 Heard learned senior counsel for the appellant Shri
Bakshi S.R.P. Sinha and learned A.P.P. for the State.

2. The present appeal has been filed against the judgment and order passed by the learned Additional Sessions Judge, 1, Gaya in S.Tr. No. 178 of 2017 (S.J.) / 38 of 2017 arising out of Muffasil P.S. Case No. 269 of 2016.

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. Learned counsel for the appellant submits that offence is committed on 16.06.2016 and the minimum sentence for rape on the date of occurrence was seven years. The appellant has remained in custody since 6.12.2016. It is further submitted that the appellant is a young man 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 10 years is modified to rigorous imprisonment for 7 years.

7. The petitioner is directed to undergo rigorous imprisonment for seven years.

8. If the petitioner has already undergone rigorous imprisonment for a period of seven years including the period of remission etc. and if he is not wanted in any other case, he is directed to be released forthwith.

9. Accordingly, this appeal stands partly allowed.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

