

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.186 of 2019**

Arising Out of PS. Case No.-105 Year-2007 Thana- BIBHUTIPUR District- Samastipur

Uday Jha @ Uday Shankar Jha Late Rameshwar Jha Resident Of Village -  
Sakh Mohan, Ward No. 09, Ojha Tola,

... .. Petitioner/S

Versus

The State Of Bihar

... .. Respondent/S

**Appearance :**

|                      |   |                                                           |
|----------------------|---|-----------------------------------------------------------|
| For the Petitioner/s | : | Mr. Jitendra Narain Sinha, Adv.<br>Ms. Khushi Awadh, Adv. |
| For the Respondent/s | : | Mr. Bharat Lal, APP                                       |

**CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL**  
**ORAL ORDER**

6      29-08-2024                      This revision petition has been preferred by the applicant/accused being aggrieved with the judgment dated 06.10.2018 passed by learned Additional Sessions Judge-Vth, Samastipur in criminal appeal no. 105 of 2008 whereby and where under the learned Appellate Court affirmed the judgment of conviction dated 16.10.2008 passed by the learned J.M.F.C. Rosera, Samastipur in G.R. No. 442 of 2007, T.R. No. 1541 of 2008, whereby the learned J.M.F.C. convicted the applicant/accused for offences punishable under Section 25(1-B) A and, 26 of Arms Act and Section 414 of I.P.C. and sentenced him rigorous imprisonment for three years, three years and two years respectively with a fine of Rs. 10,000/-.

2. According to the case of prosecution on 25.06.2007



at about 08:15 when the complainant/investigating officer of the case along with other police officials reached the Mamapul Teenbatia Chowk, Teeli Tola of village sakhmohan, at that time the present applicant and co-accused Gopal Jha were present there under suspicious circumstances and upon being searched, one country made pistol and live cartridges were seized from the possession of Uday Jha and co-accused Gopal Jha, one stolen mobile phone was also seized from the possession of Uday Jha. After completion of the investigation, charge-sheet was filed by the police officials before the concerned magistrate. Learned Judicial Magistrate framed the charges and after concluding of trial, convicted and sentenced both, the present applicant as well as co-accused Gopal Jha as mentioned earlier in this judgment.

3. Being aggrieved with the said judgment both the present applicant as well as the co-accused Gopal Jha preferred an appeal before the learned Additional Sessions Judge – Vth, Samastipur and the learned Appellate Court affirmed the judgment of conviction passed by the learned J.M.F.C.

4. Being aggrieved with the said judgment two separate revision has been preferred by the petitioner as well as co-accused Gopal Jha. The revision preferred by the Gopal Jha bearing Cr. Rev. No. 335 of 2019 has been already disposed of



by the co-ordinate bench of this court vide its impugned order dated 25.01.2024.

5. It is submitted by the learned counsel for the petitioner that she does not want to place this revision on merits and confine her argument only on the sentence part. She submit that in this case the petitioner herein has already undergone about 1 year 1 month and 14 days. She submit that during the course of trial he was in jail for about for nine months and after judgment passed he was in jail for 4 months 14 days. She further submit that applicant is facing this lis since 2007 and he has no any criminal antecedent. Therefore, it is prayed by the learned counsel that the applicant/petitioner may be sentenced as already undergone by him in this case.

6. The above prayer made by the counsel for the petitioner is opposed by the counsel for the respondent-State submitting that considering the gravity of the offence both the learned courts below has rightly sentenced the applicant.

7. Heard both the parties. Perused the impugned judgment passed by both the courts below and other material available on record.

8. Considering the submissions made by the counsel for the petitioner and further considering the fact that the



applicant has already undergone 1year 1 month and 14 days and has no any previous criminal antecedent and is facing this lis since 2007, therefore, it would be appropriate that the applicant may be sentenced for the aforesaid offences as already undergone by him in this case.

9. Order accordingly. Fine sentence imposed by the Trial Court shall remain intact.

10. Let a copy of this judgment be sent to the concerned Trial Court for doing the needful.

**(Arvind Singh Chandel , J)**

Siddharth Soni/-

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