

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.119 of 2024**

Arising Out of PS. Case No.-101 Year-1999 Thana- SAKURABAD District- Jehanabad

1. SIYA SHARAN SINGH S/O LATE FEKU SINGH R/O VILLAGE-IBRAHIMPUR, P.S- SHAKURABAD, DISTT.- JEHANABAD.
2. SANJAY KUMAR S/O SIYA SHARAN SINGH R/O VILLAGE-IBRAHIMPUR, P.S- SHAKURABAD, DISTT.- JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Respondent/s : Mr.Anil Prasad Singh

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

4 01-08-2024

1. Heard both parties.

2. Learned counsel for the petitioners has filed supplementary affidavit today, let it be taken on record.

I.A. No. 01/2024

3. This application has been filed for condonation of delay in filing this revision petition which is barred by 614 days.

For the reasons mentioned, the delay of 614 days is condoned.

4. This application stands allowed.

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5. With the consent of both the parties, heard finally.

6. This revision petition has been preferred by the petitioners/ accused persons being aggrieved with the judgment



dated 28.09.2021 passed by the learned Additional Sessions Judge V, Jehanabad in Cr. Appeal No. 73/2018 whereby the learned Appellate Court confirmed the judgment of conviction passed by the learned Judicial Magistrate 1st Class, Jehanabad in Shakurabad P.S. Case No. 101/1999, G.R. NO. 2194/1999/ Tr. No. 331/2018 whereby the learned Judicial Magistrate convicted the petitioners/ accused persons for the offence punishable under Section 25(1-b)a of the Arms Act and sentenced them for rigorous imprisonment of three years and to pay fine of Rs. 5,000/- and further to undergo one month imprisonment for default of payment. The learned Judicial Magistrate had further convicted the petitioners under Section 26(1) of the Arms Act and sentenced them to undergo rigorous imprisonment for 18 months and pay fine of Rs. 3,000/-and further to undergo one month imprisonment for default of payment.

7. According to the case of prosecution, on 29.12.1999 at the time of carrying out a raid in connection with Tekari P.S. Case No. 149/1999 the investigating officer of this case searched the house of the petitioners, allegedly both the petitioners were carrying a country made rifle and a 303 bore cartridge which were seized from their possession. Since they did not posses any license with regard to those fire arms,



offence has been registered against them and chargesheet has been filed against them. The learned Judicial Magistrate 1st Class, framed the charges. To prove this case, the prosecution examined as many as six witnesses, After conclusion of trial, learned Trial Court vide its judgment convicted and sentenced the applicants as mentioned hereinabove.

8. Learned counsel for the petitioners submits that he is not pressing this revision petition on merits and confined his argument only on the sentence part. Learned counsel submits that as of now, the petitioner no. 1 is aged about 86 years and petitioner no. 2 is aged about 48 years and they have no previous antecedent. He further submits that the petitioners are facing this *lis* from the last 25 years and during pendency of the trial, both the petitioners were already undergone in jail for about six months and are presently in jail since 04.12.2023 meaning thereby, they have already undergone in jail for about 14 months.

9. Learned counsel for the respondents oppose the prayer made by learned counsel for the petitioners.

10. Considering the submission made by learned counsel for the petitioners, the age of both the petitioners and the fact that the petitioners have already remained in custody for



fourteen months, the petitioners are awarded the sentence already undergone by them.

11. Accordingly, this revision petition is allowed and the petitioners are directed to be released forthwith, if not required in any other case.

12. Let a copy of this order be communicated to the concerned Court below to take further necessary action.

(Arvind Singh Chandel , J)

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