

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.570 of 2019

Arising Out of PS. Case No.-23 Year-2012 Thana- MAHILA PS District- Jehanabad

TARIK AZAM Son of Sabir Ansari Resident of village Malahi Patti, P.S.-
Arwal, Dist.- Arwal

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Adv Mr. Amrendra Kr. Singh Mr. Kumar Rajdeep Mr. Saroj Chaudhary Mr. Zainul Abedin
For the Respondent/s	:	Mr. Binod Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 12-11-2024 Heard the learned counsel for the appellant and the
learned Spl. P.P. for the State.

2. The present appeal has been filed against the judgment of conviction dated 17.01.2019 and order dated 18.01.2019 passed by the Presiding Officer, Fast Track Court No. 01, Jehanabad passed in S.Tr. No. 278 of 2014 / 26 of 2017 by which the appellant has been convicted under Section 323, 341 and 376 of the Indian Penal Code and he has been directed to undergo Simple Imprisonment for a period of one year under Section 323 of the Indian Penal Code, Simple Imprisonment for a period of one month under Section 341 of the Indian Penal Code and Simple Imprisonment for a period of seven years with



a fine of Rs. 3000/- under Section 376 of the Indian Penal Code and in default of payment of fine, he will have to undergo Simple Imprisonment for further three months .

3. During the hearing of the prayer of the appellant for suspension of sentence, a ground was taken that the appellant was juvenile on the date of occurrence and taking into consideration the same, a report was called from the Court below concerned which held the appellant to aged about 13-14 years on the date of occurrence.

4. The appellant has remained in custody for a period of two years and three months, as has been submitted by the learned senior counsel for the appellant after going through the records of the case.

5. Learned senior counsel for the appellant, at the very outset submits that he will not press this appeal on merits and he submits that he will be satisfied if the sentence is modified.

6. Considering the fact that the appellant has been found to be aged about 13-14 years on the date of occurrence and he has remained in custody for a period of more than 2 years and 3 months, I am of the view that the sentence of the appellant, as mentioned above, is modified to the period already



undergone with a fine of Rs. 3000. In default of the payment of fine, the appellant will have to undergo simple imprisonment for a period of one month.

7. With the aforesaid modification in the sentence, this application is partly allowed.

8. Any pending Interlocutory Application shall be treated to be disposed of.

(Sandeep Kumar, J)

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