

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.743 of 2019

Arising Out of PS. Case No.-90 Year-2005 Thana- BRAHMPUR District- Buxar

1. Jai Prakash Choubey son of Ram Niwas Choubey R/o Vill.- Gosaipur,p.s-Brahmpur.Dist- Buxar.
2. Shanker Bhagwan Choubey, Son of Ram Niwas Choubey R/o Vill.- Gosaipur,p.s-Brahmpur.Dist- Buxar.
3. Akhilesh Choubey, Son of Ram Niwas Choubey R/o Vill.- Gosaipur,p.s-Brahmpur.Dist- Buxar
4. Ram Niwas Choubey son of Late. Dina Nath Choubey. R/o Vill.- Gosaipur,p.s-Brahmpur.Dist- Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dr. Kamal Deo Sharma, Adv
For the Respondent/s	:	Mr. Anand Mohan, APP
For the Informant	:	Mr. Sanjay Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 26-11-2024 Heard Dr. Kamal Deo Sharma, learned counsel for the appellants, Mr. Anand Mohan, learned APP for the State and Mr. Sanjay Kumar, learned counsel for the informant.

2. The present appeal has been filed against the judgment of conviction and order of sentence dated 14.12.2018 passed in Session Trial No. 380 of 2006 arising out of Brahmpur P.S. Case No. 90 of 2005 by which the appellants have been convicted under Section 323/34 of the Indian Penal Code and they have been directed to undergo fine of Rs. 1,000 /- each and in default of payment of fine, they have to undergo imprisonment for one year.

3. Learned counsel for the appellants submits that



since the sentence is only imposition of fine of Rs. 1,000/- each to the appellants, he will not press conviction. So far as the sentence of the appellants is concerned, he prays for modification fo the sentence i.e. imposition of fine upon the appellants. He further submits that the appellants are first offender, therefore, minimum fine be imposed upon the appellants.

4. Learned APP for the State and learned counsel for the informant opposed the prayer.

5. I have considered the submissions of the parties and considering the facts of the case and the fact that the appellants are first offender, the fine imposed upon the appellants is modified to Rs. 100/- each. Each of the appellants are required to pay fine of Rs. 100/- in the trial court and default in payment of fine, will result in imprisonment of one day.

6. This appeal is partly allowed with the aforesaid modification in sentence.

(Sandeep Kumar, J)

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