

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.241 of 2024

Arising Out of PS. Case No.-127 Year-2008 Thana- JANKINAGAR District- Purnia

1. Hari @ Hari Narayan Yadav Son Of Late Parmeshwari Yadav Resident Of Village - Naulakhi, P.S. - Janki Nagar, District - Purnea
2. Chandan Yadav @ Chandan Kumar Chaman Son Of Hari Narayan Yadav @ Hari Resident Of Village - Naulakhi, P.S. - Janki Nagar, District - Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 30-04-2024

Re.: Interlocutory Application No. 1 of 2024

This Interlocutory Application has been filed for condoning the delay of 75 days in filing the instant revision application.

2. For the reasons mentioned in the Interlocutory Application, the same is allowed.

3. Accordingly, the delay in filing the Criminal Revision Application is condoned.

Re.: Cr. Rev. No. 241 of 2024

4. Heard learned counsel for the petitioners and learned APP for the State.

5. The present revision application is directed against



the judgment and order dated 27.09.2023 passed by the learned 5th Addl. District & Sessions Judge, Purnea in Criminal Appeal No. 21/2017 whereby and whereunder the appeal filed by the petitioners have been dismissed and the judgment and order dated 18.03.2017 passed by the learned Assistant Sessions Judge, Purnea in Session Trial No. 1504/2010 corresponding to CIS No. 3382/2013 T.R. No. 80/2010 arising out of Jankinagar P.S. Case No. 127/2008 convicting the petitioners for offence under Sections 324, 323, 447 of the Indian Penal Code and sentencing them S.I. for 1 year for offence under Section 323 and S.I. for 1 year for offence under Section 447 of the I.P.C. has been affirmed. In the aforesaid judgment and order dated 18.03.2017, it has also been directed that all the sentence shall run concurrently and the petitioners shall pay an amount of Rs. 3,000/- each as compensation to the informant.

6. At the very outset, learned counsel for the petitioners has submitted that he is not pressing the present revision on merits but he is pressing the same only on the quantum of sentence.

7. Learned counsel for the petitioners submits that the sentence which has been awarded to the petitioners is excessive. The petitioners, who are father and son have been convicted



under Sections 323, 324 and 447 of the Indian Penal Code and they have been sentenced to S.I. for one year. The petitioners are in custody since 01.03.2024.

8. From the records, it will appear that the injuries sustained by the informant are simple in nature and because of a private dispute the occurrence took place.

9. Considering the aforesaid facts, the application stands disposed of without interfering in the order of conviction. However, with regard to the sentence, in the considered opinion of the Court, the ends of justice would be served by modifying the same to the period of imprisonment already undergone by the petitioners. So far as the fine is concerned, the same is modified to Rs. 6,000/- each from Rs. 3,000/- each.

10. Accordingly, the judgment of the Courts below stands modified without interfering in the order of conviction.

11. The petitioner no. 2 shall not be proceeded by his employers i.e., the State Government for the present conviction as the occurrence has taken place because of a private dispute.

(Sandeep Kumar, J)

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