

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1269 of 2019

Arising Out of PS. Case No.-364 Year-2015 Thana- TAJPUR District- Samastipur

Sujit Das Son Of Ladoo Lal Das Resident Of Village - Rajkha Rampur, P.S.-
Tajpur, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar, Advocate Mr. Akash Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 02-12-2024 Heard the learned counsel for the appellant and the
learned APP for the State; Sri Jharkhandi Upadhyay.

2. This appeal is directed against the judgment dated 02.02.2019 and sentence dated 07.02.2019 passed by learned 3rd Additional Sessions Judge, Samastipur passed in connection with Sessions Trial No. 224 of 2016/126 of 2016 arising out of Tajpur P.S. Case No. 364 of 2015 by which the appellant was convicted under Section 304(B) Indian Penal Code for sentence of 10 years rigorous imprisonment and he further sentenced for 3 years rigorous imprisonment and with fine of Rs. 10,000/- for offence under Section 498A of Indian Penal Code. He further sentenced to undergo R.I. for 6 months with a fine of Rs. 2,000/- for the offence under Section 3 of the D.P. Act and further he



sentenced to undergo R.I. for 6 months with a fine of Rs. 2,000/- for the offence under Section 4 of the D.P. Act.

3. Learned counsel for the appellant, at the very outset, does not challenge the judgment of conviction, and he limits his argument to the punishment awarded to the appellant rigorous imprisonment for ten years under Section 304(B) of the Indian Penal Code.

4. It has been submitted by the learned counsel for the appellant that the minimum sentence for having committed the offence under Section 304B of the Indian Penal Code is seven years and the appellant has been sentenced to undergo rigorous imprisonment for ten years. He also submits that the appellant has no prior record of conviction, and he prays for a lenient view. The appellant has surrendered in court below on 21.01.2016 and thereafter, he is in custody.

5. I have considered the submission of the learned counsel for the appellant.

6. In the facts of the case, this Court does not interfere in the conviction of the appellant which is upheld but the sentence to undergo rigorous imprisonment for 10 years is modified to rigorous imprisonment for 7 years.

7. The petitioner is directed to undergo rigorous



imprisonment for seven years.

8. If the petitioner has already undergone rigorous imprisonment for a period of seven years including the period of remission etc. and if he is not wanted in any other case, he is directed to be released forthwith.

9. This appeal stands partly allowed and disposed of accordingly.

10. The L.C.R. is directed to be returned to the concerned lower Court forthwith.

(Sandeep Kumar, J)

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