

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1917 of 2019**

Arising Out of PS. Case No.-206 Year-2012 Thana- BRAHMPUR District- Buxar

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Anil Paswan Son of Ram Narayan Paswan Resident of Village- Banswar,
P.O.- Raghunathpur, P.S.- Brahmpur, District- Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satyapal Singh, Adv.

For the Respondent/s : Mr. A.M.P. Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 22-10-2024 Heard learned counsel for the appellant and learned
A.P.P. for the State.

2. The present appeal has been filed against the judgment and order dated 13.03.2018 by which the appellant has been convicted under Section 323 of the I.P.C. passed by the learned Additional District & Sessions Judge-VIth, Buxar in Sessions Trial No. 378 of 2013 arising out of Brahmpur P.S. Case No. 206 of 2012 and sentenced to undergo one year imprisonment and a fine of Rs.1,000/-.

3. Learned counsel for the appellant, at the very outset, does not challenge the judgment and order of conviction and he limits his argument only on the quantum of sentence.

4. Learned counsel for the appellant submits that the appellant has remained in custody from 17.01.2019 to 29.07.2019. It is further submitted that the appellant is not a habitual offender and this is the first offence committed by him.

5. In view of the aforesaid submission and considering the period of custody already undergone, this appeal is partly allowed by modifying the sentence. The sentence of one year imprisonment and a fine of Rs.1000/- is modified to that of the period already undergone by the appellant.

(Sandeep Kumar, J.)

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