

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.443 of 2024

Arising Out of PS. Case No.-337 Year-2006 Thana- SIKARPUR District- West Champaran

1. Sharma Prasad Chaurasia @ Bhagat S/o Late Ramprit Bhagat RESIDENT OF VILLAGE-NONIYA TOLA, POLICE STATION-SHIKARPUR, DISTRICT-WEST CHAMPARA (BETTIAH)
2. Ranjan Kumar @ Ranjan Prasad Chaurasia @ Ranjan Chaurasia S/o Sharma Prasad Chourasiya @ Bhagat RESIDENT OF VILLAGE-NONIYA TOLA, POLICE STATION-SHIKARPUR, DISTRICT-WEST CHAMPARA (BETTIAH)

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Respondent/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 20-08-2024

With consent of learned counsels for both the parties,
the revision petition is heard finally.

2. This revision petition has been preferred by the applicants/accused persons being aggrieved with the judgment dated 18.03.2024 passed by the Additional Sessions Judge-VIII, Bettiah, West Champaran in Cr. Appeal No. 34 of 2012, whereby and whereunder the learned appellate court affirmed the conviction of the applicants/accused persons for the offences punishable under Sections 25(1-B)A, 26 and 35 of the Arms Act, which has been imposed by the learned Judicial Magistrate,



1st Class, Bettiah, West Champaran in G.R. No. 3246 of 2006/Tr. No. 927 of 2012 arising out of Shikarpur P.S. Case No. 337 of 2006 vide judgment dated 17.02.2012, whereby the learned Judicial Magistrate, 1st Class sentenced the applicants/accused persons simple imprisonment for three years for the offence punishable under Section 25(1-B)A of the Arms Act and further three years for the offence under Section 26 of the Arms Act.

3. According to case of prosecution, on 05.12.2006 at about 00:05 mid night the informant Satyendra Prasad Singh, S.H.O. of Sikarpur P.S. went to village Noniya Tola along with other police personnel for some investigation which relates to Shikarpur P.S. Case No. 232 of 2006 under section 302 and other allied sections of the Indian Penal Code. Allegedly, at the time of search, house of the applicants was also searched and the police found inside the room one country made rifle, two other rifles and two country made *katta* as well as some live cartridges of *Katta* and rifles were kept. It is further alleged that after seeing the police party, both the applicants fled away from the spot. However, the said articles were seized from the house and the offence was registered.

4. After completion of investigation, charge sheet was filed before the learned Judicial Magistrate, 1st Class for the



offence under Sections 25(1-b)A, 26/35 of the Arms Act.

5. The prosecution, to establish its case, examined as many as seven witnesses before the Trial Court and exhibited some documents. In their statements recorded under Section 313 of Cr. P.C. both the accused persons denied their guilt. Two defence witnesses were also examined by them. After conclusion of trial, the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran convicted the applicants/accused persons for the offences punishable under sections 25(1-b)A, 26/35 of the Arms Act and sentenced them as mentioned earlier in the judgment, which has also been confirmed by the learned Appellate Court vide its impugned judgment dated 18.03.2024. Hence, this revision petition has been preferred by the applicants/accused persons.

6. Learned counsel for the applicants/accused persons submits that he does not want to argue this revision on merit and confines his argument only on the sentence part. He submits that applicant/accused no. 1 Sharma Prasad Chaurasia @ Bhagat during trial has already undergone about one year, five days and after his surrender before the Trial Court, he remained in jail for the last one month and five days, meaning thereby, he has already completed one year, one month and ten



days in jail. He further submits that the applicant/accused no.2 Ranjan Kumar @ Ranjan Prasad Chaurasia during trial has already undergone about one year, eight months in jail in the case. Further he submits that both the applicants/accused persons have no criminal antecedent. They are facing this *lis* for the last 12 years. Therefore, it is prayed by the learned counsel that sentences passed against both the accused persons may be reduced to the period already undergone by them.

7. The above prayer made by the counsel for the applicants is opposed by the learned counsel appearing on behalf of the State.

8. Heard.

9. Perused the materials available on record.

10. Considering the submissions made by both the counsels and further considering the fact that the applicant/accused no.1 has already undergone about one year, one month and accused no. 2 has already undergone about one year, eight months in jail, they have no criminal antecedent and they are facing this *lis* for the last 12 years, it would be appropriate to reduce their sentence to the period already undergone by them in this case.

11. Ordered accordingly.



12. The sentences passed against both the accused persons are reduced to the period already undergone by them.

13. Accordingly, the revision petition is disposed of with the above modification in the sentence.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NA
CAV DATE	NA
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