

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.447 of 2018

Arising Out of PS. Case No.-73 Year-1996 Thana- BHABHUA District- Kaimur (Bhabua)

Bhanu Singh Son of Late Ramji Singh, Resident of Village- Mokari, P.S.-
Bhabua, District- Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Advocate Mr. Ms. Akrity Aishwarya, Advocate Mr. Manish Kumar Singh, Advocate Mr. Shrikesh Kumar, Advocate
For the Respondent/s	:	Mr. Sanil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 05-02-2024 Heard learned senior advocate for the petitioner and
learned Additional Public Prosecutor for the State.

2. The Sessions Trial No.414/1996 (arising out of Bhabua P.S. Case No.73 of 1996, G.R. No. 394 of 1996) was disposed of by Assistant Sessions Judge, 1st Kaimur at Bhabua on 11.06.2010 holding the petitioner convicted under Section 323/325 of the I.P.C. and sentencing him to suffer rigorous imprisonment for one year for the offence committed under Section 323 of the I.P.C. and rigorous imprisonment for three years with fine of Rs.2,000/-, in default, simple imprisonment for four months for the offence under Section 325 of the I.P.C.

3. The learned Appellate Court being the Additional



Sessions Judge, Fast Track, First Court, Kaimur at Bhabua by his order dated 20.02.2018 affirmed the order passed by the learned Trial Court vide judgment dated 20.02.2018. However, the period of sentence was modified directing the petitioner to suffer imprisonment for one month for offence under Section 323 of the I.P.C. and imprisonment for two years with fine of Rs.2,000/-, in default to suffer further simple imprisonment for one month for the offence committed under Section 325 of the I.P.C.

4. The learned senior advocate for the petitioner submits that the instant incident took place in the year 1996. The petitioner has been facing legal proceedings for about 27 years for causing hurt by assaulting the victim by his Lathi on his leg. It is also submitted by him that the petitioner was in custody from 26.03.2018 to 22.05.2018 i.e. almost three months. The petitioner is not a seasoned offender, this is his first offence, he is an almost uneducated village man, due to quarrel between the parties he had assaulted the opposite party/victim.

5. Considering such circumstances and in view of the fact that the petitioner already was in custody for about three months as well as the fact that this is the first offence reported against the petitioner. He is not wanted in any other case, he



should be released on probation of good conduct.

6. This Court is also of the opinion that the petitioner being a villager having no idea about the consequence of the act in course of cruel between the parties assaulted the opposite party, as a result of which he has suffered continuation of legal proceedings for last 27 years. He was in custody for about three months during the above period.

7. Considering the nature of offence and the specific act done by the petitioner, this Court is of the view that the petitioner should be allowed benefit of the probation of offenders act.

8. Thus, while remaining the order of conviction, this Court modifies the order of sentence.

9. The petitioner/convict is directed to be placed in the custody of the probation of the offenders act of the concerned jurisdiction is directed to submit an initial report to the learned Trial Judge mentioning the fact as to whether the petitioner can be kept in probation for good conduct. On submission of such report within two months from the date of communication of this order, the petitioner shall be put under the custody of the probation of offenders act for a period of one year.

10. The Probation Officer is directed to submit



quarterly report to the Trial Court. On filing of the satisfactory report, the petitioner shall be released from the custody of the probation officer.

11. The petitioner is directed to act upon the server copy of this order.

12. Accordingly, the instant revision is disposed of.

(Bibek Chaudhuri, J)

mdrashid/-

U		T	
---	--	---	--

