

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.456 of 2019

Arising Out of PS. Case No.-16 Year-2007 Thana- KORANSARAI District- Buxar

1. GHUTMAN YADAV @ CHHUTAMAN YADAV @ CHHUTARAN YADAV S/o Late Parikhan Yadav R/o village- Mungaon Pachhim Tola, P.S.- Koransarai, District- Buxar
2. Sumeshwar Yadav S/o Late Parikhan Yadav R/o village- Mungaon Pachhim Tola, P.S.- Koransarai, District- Buxar
3. Ayodhya Yadav son of Late Sarikhan Yadav R/o village- Mungaon Pachhim Tola, P.S.- Koransarai, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL REVISION No. 578 of 2019

Arising Out of PS. Case No.-16 Year-2007 Thana- KORANSARAI District- Buxar

SUNIL YADAV Son of Bhrigunath Yadav @ Bhirunath Yadav @ Bhirungnath Yadav Resident of Village-Mungaon Pachhim Tola, P.S. Koransarai, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL REVISION No. 828 of 2019

Arising Out of PS. Case No.-16 Year-2007 Thana- KORANSARAI District- Buxar

1. NAND KISHORE YADAV Son of Parikhan Yadav Resident of Village - Mungaon Pachhim Tola, P.S.- Koransarai, District- Buxar
2. Pintoo Yadav @ Pintu Yadav Son of Bhrigunath Yadav @ Bhirun Yadav @ Bhirungnath Yadav Resident of Village - Mungaon Pachhim Tola, P.S.- Koransarai, District- Buxar

... .. Petitioner/s



Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL REVISION No. 456 of 2019)

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Respondent/s : Mr. Umanath Mishra, Adv.

(In CRIMINAL REVISION No. 578 of 2019)

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Respondent/s : Md. Matloob Rab, Adv.

(In CRIMINAL REVISION No. 828 of 2019)

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Respondent/s : Mr. Arun Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

8 03-10-2024

CRIMINAL REVISION No. 578 of 2019

1. This case is already dismissed vide order dated
15.01.2024.

CRIMINAL REVISION Nos. 456/2019 and
828/2019

2. Since in both the revision petitions, the petitioners/
accused persons assail the judgment dated 04.01.2019 passed by
learned 2nd Additional Sessions Judge, Buxar in Criminal Appeal
No. 81/2012, therefore, both the revision petitions are being
decided by this common order.

3. Initially the petitioner in these petitions have been
convicted by learned Judicial Magistrate 1st Class, Buxar in
Koransarai P.S. Case No. 16/2007, Trial No. 25/2012 for the
offence punishable under Sections 147, 323, 341 and 325 of



I.P.C. and they were sentenced by the learned Judicial Magistrate 1st Class, Buxar for a simple imprisonment of six months, one month, one month and rigorous imprisonment for two years respectively for the aforesaid offences.

4. Being aggrieved with the said judgment of conviction, the applicants have preferred criminal appeal before the learned 2nd Additional Sessions Judge, Buxar. The learned 2nd Additional Sessions Judge, Buxar vide impugned order dated 04.01.2019 passed in Cr. Appeal No. 81/2012 affirmed the said conviction imposed by the learned Judicial Magistrate 1st Class, Buxar, hence, these revision petitions have been preferred by the petitioners herein.

5. Learned counsel for the petitioners in both the petitions submits that he did not want to argue these petitions on merit and confined his argument only on the sentence part. Learned counsel submits that during trial petitioners have remained in jail for about one month after the judgment passed by the learned Appellate Court they have remained in jail for two months meaning thereby they have already undergone three months in jail in this case. He further submits that all the applicants are facing this *lis* from the year 2007. They have no criminal antecedent and as of now, both the parties have settled



their matter outside the Court. Therefore, it is prayed by the counsel that jail sentence awarded to the applicants may be reduced to the period already undergone by them.

6. *Per contra*, learned counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and required no interference.

7. I have heard learned counsel appearing on behalf of the parties and perused the records minutely.

8. Considering the submissions made by the both the counsels and also considering the fact that all the petitioners have already undergone three months in this case and they have no criminal antecedent and they are facing this *lis* from the last 17 years, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the applicants-petitioners, the jail sentenced awarded to them is reduced to the period already undergone by them.

9. Consequently, both the revision petitions are partly allowed. The conviction of the applicants-petitioners under the aforementioned sections is affirmed and they are sentenced to the period already undergone by them. The fine sentence is affirmed.



10. Records of the Trial Court be sent back along with a copy of this order forthwith for information and necessary compliance.

(Arvind Singh Chandel , J)

tusharika/-

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

