

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.593 of 2024

Arising Out of PS. Case No.-182 Year-1996 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Shambhu Prasad Bhagat @ Shambhu Bhagat Son of Late Mahendra Prasad
Bhagat Resident of Mohalla- Ramsar, PS- Kotwali at present Tatarpur, Distt.-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha
For the Respondent/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 04-10-2024

With the consent of learned counsel for both the
parties heard finally.

2. This revision petition has been preferred by
the applicant/petitioner being aggrieved with the judgment dated
18.06.2024 passed by the Additional Sessions Judge-XIII,
Bhagalpur in Cr. Appeal No. 116 of 2016, whereby and
whereunder the Appellate Court affirmed the judgment of
conviction passed by the learned A.C.J.M.-XIII, Bhagalpur in
connection with Kotwali P.S. Case No. 182 of 1996 for the
offence punishable under Section 406 of the Indian Penal Code
and sentenced him rigorous imprisonment for two years with
fine of Rs. 2000/-.



3. According to case of prosecution, the informant Mahendra Nath Baitha lodged a report stating therein that on 28.02.2096 at about 03:00 p.m., the applicant-petitioner along with one person came to his shop and purchased 667 kilogram goods @ Rs. 9004.50 and paid Rs. 4.50 cash only and provided a cheque no. 246753 dated 28.02.1996 for the amount of Rs. 9000/-. Subsequently, the cheque was deposited by the informant in the Bank, the same was dishonoured, as there was in sufficient fund in the bank account of issuing authority of the cheque.

4. On the basis of above information made by the informant, a case was registered against the petitioner. After conclusion of the investigation, charge sheet has been filed for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

5. After conclusion of trial, the learned Trial Court i.e. A.C.J.M.-XIII, Bhagalpur, convicted the applicant-accused for the offences punishable under Sections 406 and 420 of the Indian Penal Code and sentenced him rigorous imprisonment for two years and simple imprisonment for one year and with fine of Rs. 1000/- and Rs. 2000/- respectively.

6. Against the order of conviction, the present



applicant-petitioner preferred appeal before the learned Appellate Court. The learned Appellate Court vide impugned order dated 18.06.2024 allowed the appeal partly and affirmed the conviction of the applicant for the offence punishable under Section 406 of the Indian Penal Code. Hence, this revision petition has been preferred.

7. Learned counsel for the petitioner submits that he does not want to argue this revision petition on merits and confine his argument only on the second part of sentence. He further submits that petitioner is facing this *lis* from 1998, meaning thereby, he is facing this *lis* from the last 26 years. He has no criminal antecedent and he has already undergone about four months in this case in jail. Thus, it is prayed that jail sentence awarded to the applicant may be reduced to the period already undergone by him.

8. 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 requires no interference.

9. I have heard learned counsel appearing on behalf of the parties and perused the record minutely.

10. Having considered the submissions made by



the learned counsel for the petitioner and further considering the fact that the applicant is facing this *lis* from the last 26 years and he has no criminal antecedent and that the applicant/petitioner has already undergone about four months in jail, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the applicant, the jail sentenced awarded to him is reduced to the period already undergone by him.

11. Consequently, the revision petition is party allowed. The conviction of the applicant under the aforementioned section is affirmed and he is sentenced to the period already undergone by him. The fine sentence is affirmed.

12. Records of the Trial Court be sent back alongwith a copy of this order forthwith for information and necessary compliance.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	08.10.2024
Transmission Date	08.10.2024

