

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1339 of 2018

Arising Out of PS. Case No.-256 Year-2004 Thana- NATHNAGAR District- Bhagalpur

Gopi Mandal Son of Bindeshwari Mandal, resident of Village- Kanjhiya, P.S.-
Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh
For the Respondent/s : Mr. Kumar Virendra Narayan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 07-05-2024 Heard the learned counsel for the petitioner and
learned counsel for the State.

2. This revision application has been filed against the judgment/order dated 03.10.2018 passed by 7th Additional Dist & Sessions Judge, Bhagalpur in Cr. Appeal No.74 of 2016/ Trial No 37 of 2017 affirming the judgment and order dated 30.05.2016 passed by Judicial Magistrate 1st class, Bhagalpur in G.R. No 2376/2004 Tr. No.2386/2015 whereby he has convicted the petitioner Under Sections 25(1-B)a and 26 of Arms Act and has contest them to undergo rigorous imprisonment for 2 yrs 6 Month under Section 25(1-8)a and fine of Rs 5000/- and in case of non deposits of fine the petitioner has to undergo further simple imprisonment of 6 months and also R.I. 2 yrs under section 26 of Arms Act and fine of Rs. 5000/- and in default of



making payment of fine further S.I. of 6 months and all the conviction runs concurrently and earlier period in custody will be set off.

3. One cartridge has been recovered from the possession of the petitioner. He has been convicted under Section 25(1-B)a and 26 of the Arms Act and sentenced to rigorous imprisonment for 2 years 6 months which has been affirmed by the appellate Court. Against the order of appellate court, the present revision application has been filed.

4. The petitioner has undergone one and half years of sentence out of the awarded sentence i.e. 2 years and 6 months.

5. Learned counsel for the petitioner has limited his argument to the question of sentence and not on merits.

6. I have considered the submission of the petitioner. It appears that the petitioner has clean antecedent and the petitioner is sentenced to rigorous imprisonment of 2 years 6 months i.e. the period he has already undergone.

7. With the aforesaid modification, this revision is partly allowed. The order of conviction is affirmed but the order of sentence is modified.

8. If the petitioner has already undergone the



sentence of 1 year 6 months and he is not wanted in any other case, he shall be discharge of the liability of the bail bond.

9. This application is partly allowed.

(Sandeep Kumar, J)

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