

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1485 of 2019

Arising Out of PS. Case No.-146 Year-2006 Thana- KATIHAR GRP CASE District- Katihar

MD. IDRISH @ MD. IDRIS @ IDREESH SHAH S/o Md. Manir R/o village-
Uttri Maheshwari Ward No. 10, P.S.- Jogbani, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Respondent/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 30-04-2024 Heard learned counsel for the petitioner and learned
APP for the State Shri Jharkhandi Upadhyay.

2. This revision application has been filed against the order dated 13.05.2008 passed by learned Railway Judicial Magistrate, Katihar in G.R. Case No. 202 of 2006/T.R. No. 310 of 2008 by which the learned magistrate has found the petitioner guilty for the offence under Section 379/34, 411/34 of the Indian Penal Code and sentenced him to undergo rigorous imprisonment of one year. The petitioner is also challenging the order dated 30.05.2019 passed by the learned Sessions Judge, Katihar in Cr. Appeal No. 58 of 2008 by which the appeal of the petitioner filed against his conviction has been dismissed.

3. Learned counsel for the petitioner, at the very outset submits that he will press this application with regard to



the quantum of sentence only and not on merits.

4. It has been submitted by the learned counsel for the petitioners that the petitioner's name has come in the confessional statement of the co-accused namely Sohrab from whom stolen mobile phone was recovered but nothing has been recovered from the petitioner.

5. Learned counsel for the petitioner further submits that the petitioner is in jail since 11.12.2023 i.e. more than about four and a half months and he has clean antecedent and therefore, this Court may modify the quantum of sentence imposed by the Court below.

6. Considering the submissions of the parties and also considering the materials available on record, this Court is not interfering with the findings recorded by the Courts below but considering the fact that out of the sentence of one year the petitioner has already undergone more than four and a half months of rigorous imprisonment, this Court is reducing the sentence to the period of custody already undergone by the petitioner.

7. Since the petitioner is in custody since 11.12.2023, he is directed to be released forthwith if he is not required in any other criminal case.



8. With the aforesaid modification in the sentence,
this revision application stands partly allowed.

(Sandeep Kumar, J)

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