

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.104 of 2019

Arising Out of PS. Case No.-1734 Year-2007 Thana- COMPLAINT CASE District-
Kishanganj

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1. Jamil Akhtar, Son of Late Md. Eshak, Resident of Village- Natuapara, P.S.- Bahadurganj, District- Kishanganj.
 2. Rafique Alam @ Md. Rafique @ Bhoji, S/o- Late Salimuddin, Resident of Village- Natuapara, P.S.- Bahadurganj, District- Kishanganj.
 3. Zainuddin @ Jainoddin, S/O- Bashiruddin, Resident of Village- Natuapara, P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioners

Versus

1. The State of Bihar
2. Shanti Devi, W/O- Late Moti Lal Ram, Resident of Village- Natuapara, P.S.- Bahadurganj, District- Kishanganj.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Ashok Kumar, Advocate Mr. Diwakar Sinha, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

16 05-08-2025

The present Criminal Revision Petition has been preferred against the impugned judgment of conviction and order of sentence dated 12.09.2018, passed by learned Additional District and Sessions Judge-Ist, Kishanganj in Criminal Appeal No. 8 of 2014, whereby learned Appellate Court below has upheld the judgment of conviction and order of sentence passed by learned Trial Court. Learned Sub-Divisional Judicial Magistrate, in Complaint Case No. 1734C of 2007 bearing Criminal Trial No. 424 of 2016, whereby learned Trial



Court has found the Petitioner herein guilty under Section 341, 323 and 542 IPC and they were also sentenced to imprisonment for one month under Section 341, six months under Section 323 IPC and imprisonment for one year under Section 452 IPC and all the sentences are directed to run concurrently.

2. Hence, being aggrieved by the impugned judgment, the Petitioners have preferred the present Criminal Revision Petition.

3. However, in the course of hearing, the Petitioner does not press the Revision Petition against conviction and he has confined his submission only to the quantum of sentence submitting that in view of the facts and circumstances of the case, the Petitioner, instead of being sentenced to imprisonment, should have been given benefit of Section 4 of the Probation of Offenders Act.

4. Learned APP for the State submits that the Petitioner may be given benefit of Section 4 of the Probation of Offenders Act, subject to payment of adequate compensation to the informant/victim by the Petitioners under Section 5 of the Act.

5. Considering the aforesaid facts and circumstances and in view of Section 4 of the Probation of Offenders Act,



1958, the Petitioners are given benefit of Section 4 of the Act. The sentence awarded against the Petitioners is set aside directing them to be released on their entering into a bond with one surety to appear and receive sentence when called upon during one year and in the meantime, they are directed to maintain peace and good behavior.

6. However, under Section 5 of the Probation of Offenders Act, the Petitioners are also directed to pay compensation of Rs.9,000/- to the informant/victim. This amount will be payable by all the Petitioners by way of paying Rs.3,000/- each by way of cash or bank draft to the informant at the time of furnishing surety bond.

7. The petition stands disposed of, accordingly.

8. LCR be sent back to the concerned Court forthwith.

(Jitendra Kumar, J.)

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