

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.172 of 2019

Arising Out of PS. Case No.-75 Year-1991 Thana- KHAJAULI District- Madhubani

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1. Harendra Jha, Son of Uma kant Jha R/o village- Kanhauli Garhi Tolle, P.S- Khajauli, Dist.- Madhubani.
 2. Sudhir Jha Son of Uma Kant Jha R/o village- Kanhauli Garhi Tolle, P.S- Khajauli, Dist.- Madhubani.

... .. Petitioners

Versus

1. The State of Bihar
2. Raj Kumar Jha Son of Late Anuplala Jha R/o village- Kanhauli Garhi, Toll, P.S- Khajauli, Dist.- Madhubani

... .. Respondents

Appearance :

For the Petitioners : Mr. Shailendra Kumar Jha, Advocate
For the State : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

Date : 31-01-2025

The present Revision Petition has been preferred by the petitioners against impugned judgment and order dated 28.05.2018 passed by Ld. Additional Sessions Judge-II, Madhubani in Cr. Appeal No. 70 of 1999 whereby learned Appellate Court has upheld the judgment of conviction and order of sentence passed by Ld. Judicial Magistrate-Ist,



Madhubani in G.R. Case No. 869 of 1991/ Trial No. 420 of 1999 whereby Ld. Judicial Magistrate has convicted the petitioners U/s 323 and 341 I.P.C., and sentenced them to rigorous imprisonment for three months U/s 323 I.P.C., and rigorous imprisonment for one month U/s 341 I.P.C. Both the sentences have been directed to run concurrently.

2. I heard Ld. Counsel for the petitioners and Ld. APP for the State.

3. Ld. counsel for the petitioners submits that he has grievance about the sentence and not the conviction, meaning thereby, he is not challenging the conviction of the petitioners U/s 323 and 341 I.P.C. However, his grievance is in regard to the quantum of the sentence imposed upon the petitioners U/s 323 I.P.C., the petitioners have been sentenced to rigorous imprisonment for three months and U/s 341 they have been sentenced to rigorous imprisonment for one month, whereas maximum punishment provided U/s 323 is one year and U/s 341 for one month. He further submits that the quantum of sentence is on higher side and they should be reduced to the period undergone by the petitioner in custody.

4. He further submits that the petitioners have already spent more than two months in judicial custody. He also submits



that at the time of the commission of the offence, they were of young age. Harendra Jha (petitioner No. 1) was of 27 years of age, whereas, Sudhir Jha (Petitioner no. 2) was 40 years of age.

5. He also submits that this is the first offence of the convict/petitioners.

6. Ld. A.P.P., for the State also fairly submits that in view of the facts and circumstance of the case, the sentence may be reduced to the period already undergone in custody by the petitioners.

7. I considered the submission advanced by both the parties and perused the material on record. I find that both the petitioners were of young age at the time of alleged offence and this is the first offence of the petitioners. I further find that they have been convicted U/s 323 and 341 I.P.C, for which they have been sentenced to rigorous imprisonment for three months and for one month respectively. Both the sentences were directed to run concurrently and they have already spent more than two months in custody.

8. Hence, in the interest of justice, the quantum of sentence is reduced to the period already undergone in custody by the petitioners.

9. Accordingly, the present petition stands allowed in



part.

10. Office is directed to send back the LCR of this case to the concerned Court below.

(Jitendra Kumar, J.)

Chandan/ Jyoti-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2025
Transmission Date	31.01.2025

