

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.249 of 2025**

Arising Out of PS. Case No.-49 Year-2006 Thana- JHAJHA District- Jamui

Shrawan Yadav Son of Tukan Yadav Mauza- Dwarpahri, P.S.- Jhaja, District -
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Akash Raj, Advocate
For the State	:	Mrs.Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 11-11-2025

I.A. No. 01 of 2025

For the reasons mentioned in the interlocutory application, the delay in filing the present criminal revision petition is condoned.

2. Accordingly, I.A. No. 01 of 2025 stands disposed of.

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3. Heard learned counsel for the petitioner as well as learned APP for the State.

4. The instant criminal revision petition has been filed against the judgment dated 16.03.2024 passed by learned Additional District & Sessions Judge-V, Jamui in Criminal Appeal No. 41 of 2018, whereby and whereunder the learned



appellate court dismissed the appeal holding that there was no need to interfere with the judgment and order dated 01.10.2018 passed by learned Judicial Magistrate, Ist Class, Jamui in G.R. No. 611 of 2006, arising out of Jhajha P.S. Case No. 49 of 2006, in which the petitioner was convicted under Sections 25(1B)a and 26(1) of the Arms Act and had been sentenced to undergo simple imprisonment for a period of three years and fine of Rs.5,000/- under Section 25(1B)a of the Arms Act and further to undergo simple imprisonment for a period of three years and fine of Rs.5,000/- under Section 26(1) of the Arms Act and directed that the sentences to be run concurrently. However, while dismissing the appeal the learned appellate court reduced the sentence of the petitioner, three years to two years but the conviction was not set aside.

5. Learned counsel for the petitioner submits that the impugned judgment is bad in the eyes of law as well as on facts. The learned trial court as well as learned appellate court failed to appreciate the contradictions in the deposition of the prosecution witnesses. The evidence of the prosecution witnesses suffers from inconsistency and omission on major points like manner of occurrence etc. The seizure list witness, namely Churaman Mandal has not been examined by the



prosecution. Only one seizure list witness, who was examined as P.W. 3, stated that no arms or ammunition was seized before him. The prosecution has also failed to produce the allegedly seized firearm and ammunition before the court concerned. Learned counsel further submits that there is contradictions in the testimony of prosecution witnesses and the same makes them unreliable. Learned counsel further submits that the petitioner has remained in custody as under trial for a period from 23.05.2006 to 1.12.2006 and after conviction he is in custody since 19.11.2024. Thus, petitioner the already undergone major period of his sentence. Learned counsel, however, submits that the fines imposed in terms of order passed by learned trial court have not been deposited in anticipation of acquittal of the petitioner in the present case.

6. The contention of learned counsel for the petitioner has been vehemently opposed by learned APP for the State. Learned APP submits that during panchayat election the petitioner was apprehended by the police party and from his search a country made pistol loaded with one live cartridge apart from four live cartridges kept by the petitioner in his pocket were recovered and seized. Learned APP further submits that the petitioner has failed to show any illegality or infirmity in the



judgment of learned appellate court. On the other hand, the order of learned trial court is a well discussed order and the petitioner has been held to be guilty even by the appellate court in its reasoned order. P.W. 1 and P.W. 2 have clearly stated about recovery of firearm and ammunition from the petitioner and merely because one of the seizure list witnesses said that nothing was seized before him do not make the testimony of the official witnesses, P.W. 1 and P.W. 2 bad in the eyes of law. Learned APP further submits that there is no merit in the submission of the learned counsel for the petitioner that the seized material was not produced before the court concerned since it has been specifically noted by the learned appellate court that the pistol and five life cartridges of .303 has been produced before the court and exhibited, country made pistol as MO-I and cartridges as MO-II to VI. The prosecution witnesses P.W. 1 and P.W. 2 have fully supported the prosecution case. There is no material contradiction or inconsistency in the evidence of the prosecution witnesses and the petitioner has been rightly convicted and sentenced by the learned trial court, the learned appellate court has reduced the sentence to two years from three years earlier imposed by the learned trial court though maintaining the sentence of imposition of fine.



7. Perused the records.

8. Having regard to the rival submission of the parties and on perusal of the judgment of the learned trial court, I am not able to convinced myself from the submission of the learned counsel for the petitioner that the impugned judgments and orders suffer from any material infirmity. Non-examination of one of the seizure list witnesses is not of much significance when other witnesses have supported the prosecution case. Further, I do not find any contradiction or inconsistency in the evidence of prosecution witnesses so as to make the order bad in the eyes of law and on substantive point the evidence of prosecution witnesses is more or less consistent with regard to recovery of firearm and ammunition and this fact also came in the evidence of the prosecution witnesses and has been taken note by the learned trial court.

9. Therefore, I am of the considered opinion that the petitioner has failed to make out a case in his favour. However, considering the fact that the petitioner has already suffered incarceration for a period of about 18 months out of total sentence of two years, it would be in fitness of things that the petitioner be released by reducing his sentence to the period already undergone. Accordingly, it is ordered that the petitioner



will be released from custody forthwith subject to verification of the payment of fine imposed in terms of the appellate court's order, if not required in any other matter. If the fine has not been paid, the petitioner will be released only after the payment of fine.

10. With the aforesaid modification in the order of sentence, the present criminal revision petition stands disposed of.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.11.2025
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