

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.742 of 2022

Arising Out of PS. Case No.-101 Year-2019 Thana- NAVINAGAR District- Aurangabad

Manish Singh @ Manish Kumar Singh S/o Bigan Singh @ Vigan Singh R/o
Village- Sonversa (Sonabarsha) P.S.- Nabinagar, Distt- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Parwati Devi, Wife of Late Dhanesh Singh Resident of Village - Sonversa (Sonabarsha), P.S.- Nabinagar, District- Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 02-12-2025 The instant revision petition is directed against the judgment of conviction dated 24.08.2022 and order of sentence dated 06.09.2022 passed by learned Additional Sessions Judge-cum-Special Exclusive Judge (POCSO), Aurangabad in G.R. (POCSO) & CIS No. 16/2019, arising out of Nabinagar P.S. Case No. 101/2019, whereby and whereunder the petitioner had been held guilty for committing the offences punishable under Sections 341, 323 & 354B of the Indian Penal Code and Section 8 of the POCSO Act and has been sentenced to undergo simple imprisonment for one month with fine for the offence under Section 341 IPC, rigorous imprisonment for six months with fine for the offence under Section 323 IPC, rigorous imprisonment for three years with fine for the offence under



Section 354B IPC. However, for the offence under Section 8 of POCSO Act, the learned trial court held that in view of provision of Section 42 of the POCSO Act and considering the facts and circumstances of the case, the punishment ought to be pronounced for offence under Section 354-B IPC only, therefore, the petitioner was not punished for the offence under Section 8 of POCSO Act. All the sentences were directed to run concurrently.

2. Apparently, the petitioner filed the present revision petition against the judgment of conviction and order of sentence under some wrong advice as an appeal would lie against such judgment of conviction and order of sentence. However, this defect of maintainability was not pointed out by the office and the matter was straightway placed before this Court for admission showing defect free case.

3. I have regularly come across such type of mistakes being committed by the office which results in wasting the precious time of the Court. Therefore, it seems the officials are least concern about performing their duties in proper manner and are not even bothered to take pains when any file is placed before them for stamp reporting and pointing out the defects. Such casual and negligent approach, if not dealt with sternly,



would give free pass to such delinquent officials to commit such mistakes in future. Such officials should be taken to task, otherwise they would bring disrepute to the august institution.

4. Therefore, learned Registrar General is directed to inquire into the matter and after fixing responsibility take stern action against such erring officials. The process would be completed within three months. Once responsibility is fixed and action taken, the report would be placed before this Court separately for perusal. It is also made clear that while considering promotion of such delinquent officials, this fact would be taken note of by all concerned.

5. At this stage, learned counsel for the petitioner seeks permission to convert the instant criminal revision petition into an appeal within two weeks.

6. Prayer is allowed.

7. He is directed to do so within two weeks.

8. Office is directed to extend all cooperation to the learned counsel for the petitioner towards this conversion.

(Arun Kumar Jha, J)

V.K.Pandey/-

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