

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.977 of 2025

Arising Out of PS. Case No.-5 Year-2005 Thana- NAUHATTA District- Rohtas

Nirala Yadav @ Raja Ram Yadav @ Ramraj Yadav S/O Late Sita Yadav @
Sita Ram Yadav R/O Vill.- Van Bishunpur, P.S.- Dhibra, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Adv. Mrs. Shashi Priya, Adv. Ms. Riya Raj, Adv. Mr. Praveen Kumar, Adv.
For the Respondent/s	:	Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 18-11-2025

The present revision petition is filed against judgment dated 12.08.2025 passed in Criminal Appeal No. 12 of 2025 by the Court of Additional Sessions Judge-II, Sasaram, Rohtas whereby and whereunder the appeal preferred in G.R. No. 311 of 2005 has been dismissed.

02. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner was convicted by the learned trial court in G.R. No. 311 of 2005 arising out of Nauhatta P.S. Case No. 05 of 2005 on 12.05.2022 holding the appellant guilty for the offences punishable under Section 148, 149, 448 and 380 of the Indian Penal Code and the petitioner was ordered to undergo rigorous imprisonment of three years for

the offences punishable under Section 380 of the I.P.C., rigorous imprisonment for one year for the offences under Section 148 of the I.P.C., rigorous imprisonment of one year for the offences under Section 149 of the I.P.C. and rigorous imprisonment of one year for the offences under Section 448 of the I.P.C. and the Court further ordered that all the sentences shall run consecutively.

03. Learned senior counsel submits that the order of the learned trial court was passed taking note of an application preferred on behalf of the accused/petitioner wherein he pleaded guilty. Learned senior counsel further submits that no such application was filed on behalf of the petitioner and petitioner never pleaded guilty still learned appellate court dismissed the matter holding that no appeal is maintainable under Section 375 of the Cr.P.C once the accused has pleaded guilty.

04. Learned senior counsel further submits that the petitioner was remanded in this case on 13.12.2011 and he has remained in custody till date. Learned senior counsel further submits that the order of the learned appellate court is wholly illegal and unsustainable in the eyes of law as no prosecution evidence was adduced during trial and no witness was examined and no material was produced against the petitioner. The

petitioner never pleaded guilty nor preferred any application admitting his guilt. Even if an application was moved pleading guilty, the same was required to be voluntary, clear and unambiguous and recorded in the words of accused as per law. Such compliance was not made. The learned trial court also failed to appreciate that charges were framed on 02.04.2013 and read over to the accused persons and all of them pleaded not guilty and claimed trial. Thereafter conviction on a purported plea of guilt is contradictory. The learned Sessions Court has erred in law and also on facts in dismissing the appeal as not maintainable under Section 375 of the Cr.P.C., as the conviction was not based on any valid plea of guilt. Learned senior counsel further submitted that the learned trial court made further error directing that all the sentences shall run consecutively which is contrary to the settled principles of law and amounts to excessive punishment, particularly in absence of reasons. The petitioner has already undergone more than 13 years and 5 months of custody which is far in excess of the maximum sentence imposed and allowing the continued incarceration is illegal and unjust. Therefore, the order of the learned appellate court suffers from perversity, illegality and gross miscarriage of justice, warranting interference of this Court in the present

revision.

05. Perused the record.

06. From the copy of the order of learned trial court produced by the learned senior counsel for perusal of this Court, I find that the learned trial court passed the order taking into consideration the acceptance of guilt on the plea of the petitioner. The Court also explained the outcome of submission of plea of guilt to the petitioner, still the petitioner did not budge from his stand and thereafter he was convicted and awarded the punishment in the following manner:

(i) undergo rigorous imprisonment of three years for the offences punishable under Section 380 of the I.P.C.

(ii) rigorous imprisonment for one year for the offences under Section 148 of the I.P.C.

(iii) rigorous imprisonment of one year for the offences under Section 149 of the I.P.C.

(iv) rigorous imprisonment of one year for the offences under Section 448 of the I.P.C. and the Court also ordered that all the sentences shall run consecutively.

07. On the appeal preferred by the petitioner, the learned appellate court dismissed the appeal considering the fact that the conviction and sentence was based on guilt pleaded by

the petitioner.

08. Now, Section 375 of the Cr.P.C. reads as under:-

“Notwithstanding anything contained in section [374](#), where an accused person has pleaded guilty and has been convicted on such plea, there shall be no appeal.

- 1. if the conviction is by a High Court; or*
- 2. if the conviction is by a Court of Session, Metropolitan Magistrate or Magistrate of the first or second class, except as to the extent or legality of the sentence. ”*

Hence, no appeal has been provided in cases when accused pleads guilty except to the extent or illegality of the sentence.

09. Therefore, I do not find much merit in the submission of the learned senior counsel for the petitioner against the impugned judgment of the appellate court. However considering the fact that the petitioner is in custody since 13.12.2011 and the sum of the sentence even if the same was ordered to run consecutively would come to six years only. Therefore taking this fact into consideration, I have no hesitation in holding that the petitioner could not be kept into custody any further in the present matter as he has already undergone the whole period of sentence. Therefore, the present revision petition is partially allowed with direction to release the petitioner, forthwith considering the period of sentence already undergone, if not wanted in any other matter.

10. Accordingly, the present petition stands disposed
of.

(Arun Kumar Jha, J)

anuradha/-

AFR/NAFR	NAFR
CAV DATE	NA
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