
(2000) 11 PAT CK 0045

In the Patna High Court

Case No : Criminal Revision No. 569 of 1998

Arun Kumar Gupta and Others

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 20-11-2000

Acts Referred:

Penal Code, 1860 (IPC) — Section 325

Citation : (2000) 3 BLJR 2429 : (2002) 2 PLJR 294

Hon'ble Judges : Prabhat Kumar Sinha, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prabhat Kumar Sinha, J.—This revision application has been admitted only so for petitioner No. 1 Arun Kumar Gupta is concerned. Learned Counsel has argued only on the point of sentence of this petitioner who, by the learned trial Court, was found guilty of having committed the offence punishable u/s 325 of the Indian Penal Code, sentencing him to undergo rigorous imprisonment for one year. The learned appellate Court, having considered the evidence and the sentence, upheld the judgment and also maintained the sentence imposed upon petitioner No. 1.

2. Learned Counsel for the petitioner has argued for reduction of sentence on following grounds:

(i) In this case, F.I.R. was lodged in October 1992 and the trial Court delivered judgment on 7.10.1996 and the appeal was disposed of on 18.6.1998. The argument is that the petitioner has faced this case for 8 years.

(ii) That the assault on the injured lady, as will also appear from the evidence, was not intentional.

(iii) That the petitioner had not been convicted for any other criminal offence, nor there is anything on the record to even suggest that he was involved in any other

criminal cases.

3. Learned Counsel submitted that this being the first case against the petitioner and for his first offence, this Court should take a lenient view on sentence.

4. From the record, I find that grievous injury was caused to a lady. Therefore, I agree with the learned appellate Court that the benefit of Probation of Offender Act could not be given.

5. Learned Addl. Public Prosecutor submits that the prayer for reduction in sentence is on the discretion of the Court.

6. However, in the facts and circumstances of the case, as have been placed, the opinion of this Court is that the ends of justice would be served if the sentence of the petitioner is reduced to six months of R.I. for the offence punishable u/s 325 of the I.P.C.

7. In the result, the sentence awarded to the petitioner Arun Kumar Gupta is reduced to six months of R.I., as indicated above.

8. With this modification in sentence, this revision application is dismissed.