
(2012) 07 PAT CK 0036
In the Patna High Court
Case No : Criminal Revision of 610 of 2002

Bijendra Mahto

APPELLANT

Vs

The State of Bihar and Brahamdeo Mahto

RESPONDENT

Date of Decision : 16-07-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 325, 341

Citation : (2012) 07 PAT CK 0036

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Krishna Prasad Singh, for the Appellant; Meena Singh, for the Respondent

Judgement

Ahsanuddin Amanullah, J.—Heard Mr. Krishna Prasad Singh, learned senior counsel assisted by Mrs. Meena Singh, learned counsel for the petitioner. Nobody appears on behalf of the State to assist the Court Earlier the case was admitted for hearing and lower Court records called for. Even the informant was made a party and notices were issued to him. The lower Court records have been received and notices upon the informant (opposite party of 2) has also been duly served.

2. The present revision application is directed against the appellate judgment and order dated 18.06.2002 in Cr. Appeal of 147 of 1993/172 of 1997 passed by the 1st Additional Sessions Judge, Aurangabad by which the Judgment and Order dated 21.06.1993 passed by the Judicial Magistrate, 1st Class, Aurangabad, in G.R. of 1700/89, Tr. of 219 of 1992 has been upheld with modification in the sentence. The petitioner along with another was accused in Haspura P.S. Case of 108 of 1989 dated 14.10.1989 registered for offence under Sections 325, 323 and 341 of the Indian Penal Code. Upon trial both the persons were convicted. The petitioner was convicted under Sections 325, 323 and 341 of the Indian Penal Code. He was sentenced to undergo two years simple imprisonment u/s 325 of the Indian Penal Code, one year simple imprisonment u/s 323 of the

Indian Penal Code and one month simple imprisonment u/s 341 of the Indian Penal Code.

3. The appeal was filed by the petitioner which was dismissed without interfering in the order of conviction but the sentence was modified to six months simple imprisonment u/s 325 of the Indian Penal Code, two months simple imprisonment u/s 323 of the Indian Penal Code and 15 days simple imprisonment u/s 341 of the Indian Penal Code. On the basis of assistance rendered by learned counsel for the petitioner, this Court has gone through the lower Court records as well as the trial Court and the Appellate Court Judgments.

4. This Court does not find any merit to interfere in the order of conviction. However, since the matter is of petty nature and of the year 1989 and the petitioner has also undergone some imprisonment, it would serve the ends of justice by modifying the sentence to the period already undergone in custody by the petitioner.

5. Accordingly, this revision application stands disposed off without interfering in the order of conviction but modifying the sentence to the period already undergone in custody by the petitioner. The petitioner shall be discharged from the liabilities of his bonds and his sureties