

(2020) 01 JH CK 0084
In the Jharkhand High Court
Case No : Criminal Revision No. 913 Of 2008

Niwaran Hansda And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 07-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 143, 323, 379, 447

Citation : (2020) 01 JH CK 0084

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Yogesh Modi, Leena Mukherjee

Final Decision : Dismissed

Judgement

1. Heard Mr. Yogesh Modi, learned counsel appearing on behalf of the petitioners.
2. Heard Mrs. Leena Mukherjee, learned A.P.P. appearing for the State.
3. The present application is directed against the judgment dated 29.07.2008 passed by learned Sessions Judge, Dhanbad in Criminal Appeal No. 109 of 2005 dismissing the appeal with modification of sentence from imprisonment to execution of bond of Rs. 5,000/- for keeping good behaviour for a period of two years and thereby confirming the judgment of conviction dated 31.05.2005 passed by learned Judicial Magistrate, 1st Class, Dhanbad in C.P. Case No. 1319/1998 convicting the petitioners under Sections 143/447/323/379 of the Indian Penal Code and sentencing them to undergo simple imprisonment for 3 months, one month, 6 months and one year respectively.
4. Learned counsel for the petitioners during the course of argument has submitted that the learned lower appellate court as well as learned trial court

has not properly appreciated the evidences on record. Accordingly, the petitioners were wrongfully convicted under the aforesaid Sections. However,

during the course of argument, learned counsel for the petitioners has submitted that the lower appellate court had modified the sentence and the

petitioners were ordered to furnish bond for keeping good behaviour for a period of two years. He submits that if this court is not inclined to interfere

with the impugned judgment, then some time may be extended for compliance of the order passed by the learned lower appellate court.

5. Learned counsel appearing on behalf of the State while opposing the prayer submits that there is no illegality or perversity in the impugned

judgments and orders which requires interference under revisional jurisdiction by this court. She submits that the lower appellate court has given some

relief to the petitioners and has only asked to furnish bond and accordingly the impugned orders may not be interfered with.

6. After hearing counsel for the parties and after considering the facts and circumstances of this case, counsel for the petitioners is not been able to

point out any illegality or perversity in the impugned judgment passed by the learned court below. However considering the fact that the learned lower

appellate court had only asked the petitioners to furnish bond of Rs. 5,000/- for keeping good behaviour for a period of two years and had modified the

sentence, this court, although finds no merit in this revision, grants two monthsâ?? time to comply with the order passed by the learned lower

appellate court. If the order of the learned appellate court is not complied by the petitioners, within a period of 2 months from the date of

communication of this order and receipt of the lower court records, the learned court below will take appropriate steps against the petitioners in

accordance with law.

7. This petition is dismissed with aforesaid observation.

8. Pending I.A., if any, stands dismissed as not pressed.

9. Interim order, if any, stands vacated.

10. Let this order be communicated to the court concerned through FAX.