

(2002) 12 PAT CK 0063

In the Patna High Court

Case No : Criminal Revision No. 305 of 2001

Safida Mian @ Md. Safida Mian and Others

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 02-12-2002

Acts Referred:

Citation : (2003) 51 BLJR 772

Hon'ble Judges : Smoeshwar Nath Pathak, J

Bench : Single Bench

Advocate : Jitendra Narain Sinha and Deepak Kumar, for the Appellant; Ali Mozaffar, APP, for the Respondent

Final Decision : Dismissed

Judgement

S.N. Pathak, J.—This revision is directed against the judgment dated 27-2-2001, passed by the Sessions Judge, Samastipur, in Cr. Appeal No. 82 of 2000 confirming the order of conviction recorded by the Judicial Magistrate, 1st Class, Rosera, in C.R. Case No. 289 of 1994 Tr. No. 100 of 2000. All the revisionists were convicted under Sections 323 and 342 of the Indian Penal Code and were sentenced to undergo R.I. for six months on each count. The revisionists No. 1 namely Safida Mian was further convicted u/s 504 of the Indian Penal Code and was further sentenced to undergo R.I. for six months. All the sentences were to run concurrently.

2. This revision was admitted on the point of sentence only and it has been submitted by the revisionists lawyer that the revisionists remained in custody for near about one month after dismissal of the appeal by the appellate Court and before release from this Court by order dated 22-6-2001. However, they are entitled to benefit of Section 360 Cr. P.C. of the Probation of Offenders Act. However, the judgment of the trial Court in its last paragraph shows that perhaps the revisionists were convicted in a Complaint Case No. 428 of the 1993 by the Court of SDJM Rosera, in its judgment dated 20-12-1997.

3. In view of the aforesaid circumstances, I do not think that the revisionists shall be entitled to the benefit of the aforesaid provisions sentence awarded as against them amounted to six months imprisonment in the maximum. So I think they will reserve no further leniency from this Court. Hence, this revisions is dismissed.