

IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.1380 of 2009
1. BINAY KUMAR
2. RAKESH KUMAR ALIAS BABLOO
BOTH SONS OF OM NARAYAN SINGH
RESIDENTS OF MOHALLA PATEL NAGAR,
P.S.PATLIPUTRA, DISTRICT PATNA
----- PETITIONERS
VERSUS
THE STATE OF BIHAR - OPP PARTY

2 31.8.2009

This criminal revision application is directed against the judgment and order dated 11.5.2009 passed by Additional Sessions Judge-IV, Patna in Cr.Appeal no. 260 of 1997 affirming the judgment and order dated 2.12.1997 passed by Sub-divisional Judicial Magistrate, Patna in G.R.Case no. 2043/95, T.R.No. 757/97, by which petitioners have been convicted and sentenced to undergo for two years with fine as mentioned in the said order.

Though this revision is filed against the order of conviction and sentence but the learned counsel centralised his submission on the point of only sentence that maximum two years was the period for which petitioners could have to remain in custody but they have already remained in custody for nine months and 16 months respectively which is sufficient towards their sentence while they are ready to deposit the fine amount imposed by the court below. The incident is of the year 1995.

In brief, the prosecution case is that the house of the petitioners was searched from where several documents concerning forged registration certificate, sealed signatures and tax token were recovered. Some papers were recovered concerning looted vehicles. In

course of trial, nothing was found or their conduct was otherwise adverse.

Taking into consideration the period of trial and remaining of petitioners in custody, the learned counsel for the State is also not rigid to oppose the prayer made on behalf of the petitioners.

Taking all the circumstances into consideration, the period of sentence is minimised to the period already undergone by the petitioners but at the same time it is made clear that they will be released from custody only after deposit of fine amount imposed by the court below.

With the aforesaid modification in sentence, the criminal revision application is disposed of accordingly.

Let this order be communicated to the court below through fax at the cost of the petitioners.

(Mandhata Singh,J.)

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