

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1128 of 2010

 Krishna Goswami Petitioner
 Versus
 The State of Jharkhand. Opposite Party
 With
Cr. Revision No. 915 of 2004

 Suresh Mahto Petitioner
 Versus
 The State of Jharkhand. Opposite Party

CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

 For the Petitioner :Mr. Anil Kumar Sinha, Adv.
 : Mr. Manish Kumar, adv.
 For the Opposite Party-State :Ms. Ruby Pandey, APP.(in Cr.Rev.No.1128/10)
 :Mr. Prabeer Chaterjee, adv.(in Cr.Rev.No.915/04)

08/28.02.2023 These criminal revision applications are being heard together and disposed of by this common judgment as both the cases arise out of same trial court judgment in G.R.No.764/96 and T.R.No.316/03.

2. These revision applications are directed against the judgment dated 3.7.2004 passed by learned Judicial Commissioner, Ranchi in Criminal Appeal No.18/2004 and 5/2004; whereby the judgment of conviction and order of sentence dated 20.12.2003 passed by the learned J.M, 1st Class Ranchi, corresponding to G.R. case no.764/96, T.R. No.316/2003; whereby the petitioners were convicted for the offence under Section 408, 467, 468, 471 and 120B IPC and sentenced to undergo R.I. for a period of three years on each count; has been confirmed and the appeals filed by the petitioners were dismissed.

3. Learned counsel for the petitioners confines his prayer for modifying the sentence for the period already undergone as the case is of the year 1996. He further submits that the petitioners have faced the rigors of litigation for last 27 years and petitioner in Cr. Rev. No.1128/10 remained in custody for about 433 days and petitioner in Cr. Rev. No.915/04 remained in custody for about 104 days. He further submits that there is no criminal antecedent of the petitioners save and except this case. As such at this stage sending them back to jail even for short period will hamper their entire family; as such some leniency may be granted by modifying the sentence for the period already undergone or in lieu of fine.

4. Learned counsel for the State supported the judgments and submits that there is no error in the finding given by the courts below. As such, the conviction cannot be set aside, however he fairly submits that as

per records there is no criminal antecedent of the petitioners as such the sentence may be modified in lieu of fine.

5. After going through the impugned judgment including the lower court records and keeping in mind the submissions of the learned counsel for the parties and also the scope of revisional jurisdiction, I am not inclined to interfere with the finding of the courts below and as such the judgment of conviction passed by the learned trial court and upheld by the learned appellate court is, hereby, sustained.

6. However, so far as sentence is concerned, it is apparent from record that the incident is of the year 1996 and about 27 years have elapsed and the petitioners must have suffered the rigors of litigation for the last 27 years. It is not stated that the petitioners have ever misused the privilege of bail and they also remained in custody for about 433 and 104 days respectively.

7. In a situation of this nature, I am of the opinion that no fruitful purpose would be served by sending the petitioners/convicts back to prison; rather interest of justice would be sufficed if the sentence is modified in lieu of fine.

8. Thus, the sentence passed by the trial court and upheld by the appellate court is, hereby, modified to the extent that the petitioners in respective revision applications are sentenced to undergo for the period already undergone, subject to the payment of fine of Rs.20,000/- each.

9. It is made clear that petitioners shall pay the aforesaid fine of Rs.20,000/- each within a period of 4 months from today before the D.L.S.A., Ranchi, failing which they shall serve rest of the sentence as ordered by the learned courts below.

10. With the aforesaid observations, directions and modification in sentence only, the instant criminal revision application is disposed of.

11. The petitioners shall be discharged from the liability of their bail bonds, subject to fulfillment of aforesaid condition.

12. Let a copy of this order be communicated to the court below, Secretary, D.L.S.A., Ranchi and also to the petitioners through the officer-in-charge of concerned police station.

13. Let the lower court record be sent to the court concerned forthwith.

(Deepak Roshan, J.)