

Deo Nandan Ram Vs. State of Bihar

Deo Nandan Ram Vs. State of Bihar

SooperKanoon Citation : sooperkanoon.com/920751

Court : Patna

Decided On : Aug-16-2011

Judge : Amaresh Kumar Lal, J.

Acts : Indian Penal Code (IPC) - Section 392

Appeal No. : Criminal Revision No.262 of 2002

Appellant : Deo Nandan Ram

Respondent : State of Bihar

Judgement :

1. The accused petitioner has preferred this revision application against the judgment and order dated 14.08.2001 passed by the learned 8th Additional Sessions Judge in Cr. Appeal No.101/1998/24/2001 by which the conviction and sentence dated 27.07.1998 passed by the learned Judicial Magistrate in Trial No.783/98 arising out of Complaint Case No.708/96 convicting the petitioner under Section 392 of the I.P.C. and sentencing him for rigorous imprisonment for one year have been confirmed and the appeal has been dismissed. The prosecution case, in brief, is that on 5.07.1996 at about 6.00 P.M. the petitioner snatched Rs.1,000/- at the point of firearm from the complainant near Mahavir Sthan, which is in the way of Mehasi Railway Station. The other two co-accused could not be identified by the complainant. The complaint case no.708/1996 was lodged in the court of learned Chief Judicial Magistrate. After inquiry and trial, the petitioner was

held guilty for the offence punishable under Section 392 of the I.P.C. and was sentenced to rigorous imprisonment for one year. The petitioner filed Cr. Appeal No.101/98, which was dismissed vide the impugned order and the judgment and order of the learned trial court were confirmed.

2. The learned counsel for the petitioner submits that the occurrence has taken place on 5.07.1996 and more than 15 years have passed. The petitioner has been suffering from mental agony for more than 15 years. He has also been in custody for more than three months. He has not been convicted prior to this occurrence and his sentence requires to be modified.

3. Learned counsel for the State could not controvert the contention of the learned counsel for the petitioner while opposing this application.

4. After hearing the learned counsels for both the parties and on perusal of the materials on record, it does not appear that the petitioner has been convicted prior to this occurrence. More than 15 years have passed. The petitioner has been suffering from mental agony.

5. Considering the facts and circumstances stated above, in my opinion, the sentence of the petitioner deserves to be modified. Instead of sending him to custody, the sentence of the petitioner is modified and his sentence is reduced to the period already undergone in custody.

6. With the aforesaid modification in the sentence, this application is dismissed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com