

Sunil Mandal Vs. the State of Bihar and anr

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Court : Patna

Decided On : May-24-2012

Appellant : Sunil Mandal

Respondent : The State of Bihar and anr

Advocate for Pet/Ap. : Mr. S. Ashfaque Ahmad

Judgement :

Patna High Court CR. REV. No.1551 of 2011 (4) dt.24-01-2012 IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Revision No.1551 of 2011
===== 1. Sunil Mandal S/O Jogender Mandal Resident Of Village- Raghunathpur, P.S.- Bariyarpur, District- Munger. Petitioner Versus 1. The State Of Bihar 2. Nilam Kumari D/O Sri Pradeep Mandal Resident Of - Maniarcha, P.S.- Muffosil. District- Munger. Respondent
=====

Appearance : For the Petitioner/s : Mr. For the Respondent/s : Mr.
===== CORAM:
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH ORAL ORDER (Per:
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

24. 01-2012 Heard Mr. S. Ashfaque Ahmad, learned counsel for the petitioner and Mrs. Indu Bala Pandey, learned A.P.P. for the State. This revision application is directed against the Appellate Order dated 22.10.2011 passed by the Additional District & Sessions Judge, (F.T.C.-Day shift), Munger in Criminal Appeal No.19 of

2011 by which the judgment and order dated 03.01.2011 passed by the Judicial Magistrate, Ist Class, Munger in G.R.Case No.1740 of 2005/Trial No. 558 of 2011 convicting and sentencing the petitioner under Sections 279, 337 and 304A, of the Indian Penal Code, has been upheld. Patna High Court CR. REV. No.1551 of 2011 (4) dt.24-01-2012 The petitioner has been sentenced to six months imprisonment under each of the Sections and also awarded fine of Rs.500/- each and upon default additional imprisonment of 15 days each under Sections 279 and 337 of the Indian Penal Code and imprisonment of one year and fine of Rs.2,000/- and in default further imprisonment of two months under Section 304A of the Indian Penal Code. The petitioner is accused in Bariyarpur P.S. Case No.81 of 2005. Learned counsel for the petitioner submits that it is a case of rash and negligent driving and the petitioner has been sufficiently punished and he is in custody since 25.11.2011. By order dated 20.12.2011/16.01.2012 , the Lower Court Records had been called for and the same have since been received. After hearing learned counsel for the petitioner and learned A.P.P. for the State, this Revision Application is disposed off by modifying the sentence to the period already undergone in custody. The petitioner shall be released from jail, if not required in any other case. Let the Lower Court Records be sent to the court concerned. Patna High Court CR. REV. No.1551 of 2011 (4) dt.24-01-2012 This order may be communicated through fax to the court below upon deposition of the requisite fee on behalf of the petitioner. (Ahsanuddin Amanullah, J.) B.Kr./-

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