

Rajendra Prasad Vs. the State of Bihar

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Court : Patna

Decided On : May-11-2012

Appellant : Rajendra Prasad

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Revision No.1494 of 2011 Rajendra Prasad, son of late Dabu Tanti, resident of Vill. Chandi, P.S. Chandi, Distt. Nalanda.Petitioner. Versus The State Of Bihar.Opp. Party -----

11. 01-2012 Heard Mr. Yogesh Chandra Verma, learned Senior Counsel appearing for the petitioner and learned A.P.P. for the State. This application is directed against the conviction and sentencing of the petitioner under Sections 279 and 337 of the Indian Penal Code for terms of simple imprisonment for six months and fine of Rs.1,000/- under Section 279 and simple imprisonment for six months and fine of Rs.500/- under Section 337 of the Indian Penal Code. The petitioner stood convicted and sentenced by order dated 17.06.2010 in G.R. No.1140/95, Trial No. 769/2010 passed by the Judicial Magistrate 1 st Class, Hilsa under Sections 279, 337 and 338 of Indian Penal Code. By order dated 12.09.2011, the 4th District and Sessions Judge, Hilsa (Nalanda) dismissed the Criminal Appeal No.41/2010/75/2010 by modifying the order of the Trial Court to the extent that the petitioner was acquitted under Section 338 of the Indian Penal Code. By order dated 08.12.2011, the records of the case had been called for from the court

below and the same have since been received. Learned counsel for the petitioner submits that this is a case of rash and negligent driving in which the petitioner was not at fault but anyhow he stood convicted. Learned counsel submits that the petitioner is in custody since 14.11.2011. Learned Additional Public Prosecutor for the State submits that due to the rash and negligent act of the petitioner, the court below has rightly convicted and sentenced the petitioner. Upon considering the facts and circumstances of the case and after hearing learned counsel for the parties, this Court is of the opinion that the ends of justice would be served, if the sentence is modified to the extent of the period of custody already undergone by the petitioner. Accordingly, this application is disposed off with modifying the sentence to the period already undergone in custody. The imposition of fine is set aside. The petitioner shall be released forthwith, if not required in any other case. (Ahsanuddin Amanullah, J) Anjani /-

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