

Kusho Mahton and Another

Vs

State of Bihar

Criminal Appeal No. 198 of 1974

(O. Chinnappa Reddy, R. S. Sarkaria JJ)

07.02.1980

JUDGMENT

1. After hearing counsel for the parties, we are of opinion that the appellants have been rightly convicted under Section 395, IPC because while carrying away the stolen property they exploded cracker to frighten the inmates of the house who wanted to pursue them. All the appellants are youngmen and it is stated that they have already served a sentence of about one and a half years. There was no attempt to cause injury to any of the inmates of the house or other persons at the time of the commission of the offence or even thereafter. Taking into consideration all the circumstances of the case we are of opinion that the ends of justice will be served if the sentence is reduced to imprisonment already undergone. Subject to this reduction in the sentence the appeal is dismissed. The bail bonds are discharged.

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