

## **Kusho Mahton And Anr. vs State Of Bihar on 7 February, 1980**

**Equivalent citations: AIR1980SC788, 1980CRILJ313, 1980SUPP(1)SCC344, AIR 1980 SUPREME COURT 788, 1980 BLJ 334, 1980 BLJ 534, (1982) PAT LJR 5, 1981 SCC (CRI) 279**

**Author: R.S. Sarkaria**

**Bench: O. Chinnappa Reddy, R.S. Sarkaria**

### **JUDGMENT**

R.S. Sarkaria, J.

1. After hearing counsel for the parties, we are of opinion that the appellants have been rightly convicted under Section 395, Indian Penal Code, 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 young men and it is stated that they have already served a sentence of about one and 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.