IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 552 of 2017

Salkhan Hansda, son of Sri Lal Hansda, resident of Village – Paharpur, P.O. and P.S. – Potka, District – East Singhbhum.

.... …. **Petitioner**

Versus

1. The State of Jharkhand
2. Lkhin Hansda, Wife of Salkhan Hansda, R/o Village – Paharpur, P.O. and P.S. – Potka, District – East Singhbhum.

.... **Opp. Parties**

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. D.K. Karmakar, Advocate
For the State : Mr. Abhay Kumar Tiwari, A.P.P.
For the O.P. No. 2 : Mr. Jitesh Kumar, Advocate.

JUDGMENT

CAV On Dated- 24.07.2026 **Pronounced On - 03.09.2026**

1. Heard learned counsel for the parties.

2. The present criminal revision is directed against the judgment dated 21.01.2017 passed by learned Additional Sessions Judge-V, Jamshedpur in Criminal Appeal No. 73 of 2013, whereby and whereunder the appeal preferred by the petitioner has been dismissed and other co-convicts have been acquitted. The petitioner along with two co-convicts were convicted by the learned Judicial Magistrate, 1st Class, Jamshedpur vide judgment dated 19.12.2013 passed in G.R. Case No. 813 of 2007 and held them guilty for the offence under Section 498A of the I.P.C. and Section 4 of the

Dowry Prohibition Act and sentenced to undergo S.I. for two years and fine of Rs. 1,000/- for the offence under Section 498A of I.P.C. and sentenced to undergo S.I. of six months and fine of Rs. 4,000/- for the offence under Section 4 of Dowry Prohibition Act.

3. The factual matrix giving rise to this revision is that the marriage of informant Lakhiya Hansda was solemnized with petitioner Salkhan Hansda on 07.11.2005, as per custom and rites of Schedule tribe. In the marriage, the parents of informant gave Rs.20,000/- cash and other home appliances of Rs.30,000/-. On 06.07.2006, the husband of informant told her to bring a motorcycle from her maika. The informant informed her mother about the demand of motorcycle, but her mother shown her inability to give the motorcycle. On 02.09.2006 at 5:00 PM, the husband, father-in-law, mother-in-law, brother-in-law again demanded motorcycle and threatened her that if she will not bring motorcycle within 15 days, they will oust her. During that period, sister-in-law of informant came to her maike and has also abused the informant and all of them assaulted the informant. They have also stopped the food. Ultimately, on 06.11.2006, husband, father-in-law, mother-in-law and elder brother of husband assaulted her and ousted from the house. The informant came to her maika and told about the occurrence to her brother and mother. A meeting of villagers was

held. In that meeting, the members of her sasural assured that no such occurrence will be taken place in future. But again on 30.03.2007, they have assaulted to informant and ousted from house.

4. On the basis of aforesaid written report, Potka P.S. Case No. 19 of 2007 was registered for the offence under Sections 498A, 323, 34 of I.P.C. and Section 3 / 4 of the Dowry Prohibition Act against seven accused persons including the petitioner.

5. After investigation, charge sheet was submitted against all the seven accused persons under the aforesaid offences. Thereafter, charges were framed against the petitioner including co-accused persons for the offences under Section 498A/34 and 323/34 of the I.P.C. and Section 3 / 4 of the D.P. Act, to which they pleaded not guilty and claimed to be tried.

6. After conclusion of trial, the trial court has acquitted four accused persons and convicted the three accused persons including petitioner for the offence under Section 498A of the I.P.C. and Section 4 of the Dowry Prohibition Act and sentenced them, as stated above.

7. The judgment of conviction and order of sentence of petitioner and other two co-convict was challenged in Criminal Appeal No. 73 of 2013 before the learned Additional Sessions

Judge-V, Jamshedpur, which was heard and disposed of vide judgment dated 21.01.2017, whereby the conviction and sentence of the petitioner was upheld and confirmed, but the other two co-convict have been acquitted, which has been assailed in this revision.

8. Learned counsel for the petitioner has submitted that the trial court as well as learned appellate court has not appreciated the evidence available on record. Admittedly, there was love marriage between the petitioner and the informant. The marriage solemnized according to Santhal rites and rituals and there is no such system of giving or taking dowry either cash or any kind. The mother of the informant, who has been examined as P.W.-1 has stated in her evidence that the informant does not want to live with the petitioner in her sasural.

9. Learned counsel for the petitioner has further submitted that petitioner has been sentenced to undergo S.I. for two years, out of which he has already remained in custody for about 03 months during trial of the case. It is further submitted that in the year 2005, their marriage was solemnized and after 1½ years of marriage, the informant lodged the instant case. It is also contended that no other case was filed by the informant or by the present petitioner against each other. It is also submitted that about two decades have been

lapsed from the date of occurrence. The petitioner has suffered agony of trial of the case for considerable period and has sufficiently been punished for his guilt. Therefore, learned counsel for the petitioner, without entering into the merits of the judgment, has confined himself towards the quantum of sentence awarded to him and prays for modification of the sentence awarded to the petitioner to the period of custody already undergone by him.

10. On the other hand, learned A.P.P. has defended the impugned judgment on merits, but has fairly admitted that it is a case of the year 2007 and there is concrete finding of guilt of the petitioner recorded by the trial court and affirmed by the appellate court. So far modification in sentence is concerned, in the factual aspect of the case, appropriate order may be passed.

11. I have gone through the record of the case along with the impugned judgment passed by the learned trial court as well as by the learned appellate court. It appears that there is concurrent finding of both the courts below about the guilt of the petitioner for the offences punishable under Section 498A of the I.P.C. and Section 4 of the D.P. Act. The finding of facts of the court below appears to be correct, legal and proper, requiring no interference on merits by way of this revision.

12. So far sentence awarded to the petitioner is concerned, admittedly out of two years of rigorous imprisonment, he has sustained substantial part of the imprisonment to the extent of about 03 months.

13. It appears that the date of alleged occurrence was of the year 2006 and about two decades have been passed from the alleged occurrence. The petitioner has sustained agony of trial for the aforesaid period and has also served sentence for about 03 months. The parties have settled in their own life and no other case is pending against each other.

14. Under the aforementioned circumstances, in the interest of justice, the imprisonment already undergone by the petitioner appears to be sufficient punishment for the offence committed by him.

15. In view of above discussion and reasons, impugned judgment of conviction of the Court below is upheld on merits, but with modification in sentence to the extent mentioned above, i.e., the petitioner is sentenced to undergo imprisonment for the period already undergone by him.

16. Accordingly, this revision is **dismissed on merits with modification in the sentence**.

17. Petitioner is on bail, as such, he shall be discharged from the liability of bail bond and sureties shall also be discharged.

18. Let a copy of this judgment along with trial court record be sent to the concerned trial court for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi
Dated : 03/09/2026
Sunil/-NAFR
Uploaded On 05/09/2026