

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 858 of 2014

Arising out of P.S. Case No. -null Year- null Thana -null
District- BHABHUA (KAIMUR)

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Gulab Mishra Son of Late Sahdeo Mishra Resident of Village -
Kariyara, P.O. and P.S. Chand, District - Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asha Devi, Wife of Kedar Nath Chaturvedi, Resident of village -
Khajara, P.S. - Mohania, District - Kaimur (Bhabhua).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajanikanat Singh, Adv.

For the Respondent/s: Mr. A. Dayal, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

I.A. No. 2069 of 2014 has been filed for
condonation of delay of about ten years.

In special circumstances and the merit of the
limitation petition, the prayer for condonation of delay is
allowed.

Notices had been issued to the Opposite Party
No. 2 both on limitation as well as in the Revision
Application but none appears on her behalf.

The present Criminal Revision Application is
directed against the judgment dated 17.01.2005 passed
by the 2nd Additional Sessions Judge, Kaimur at Bhabhua
in Cr. Appeal No. 29/06 of 1999 whereby the appeal has

been dismissed affirming the judgment and order dated 18.03.1999 passed by Judicial Magistrate, 1st Class, Bhabhua in G.R. Case No. 350 of 1993 (T.R. No. 9 of 1999) whereby the Petitioner has been convicted for the charges under Sections 467 and 468 of the Indian Penal Code and sentenced to undergo R.I. for two years with a fine of Rs. 500/- on each count and in default of fine, the convict was further directed to undergo R.I. for six months. Both sentences have been directed to run concurrently.

Considering that the Petitioner has remained in custody since 26.07.2014 and about two months during Trial for being convicted for two years and a fine of Rs. 500/- under Sections 467 and 468 IPC, the Revision Application is dismissed but with modification in sentence of the Petitioner to one already undergone by him during Trial and the order of fine imposed by the Trial Court against the Petitioner is, hereby, set aside.

(Anjana Prakash, J.)

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