

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1285 of 2012

Shiv Yadav & Anr.

.... Petitioner/s

Versus

1.The State of Bihar

2. Sudha Devi, W/o Shiv Yadav

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Sharda Kumari (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL ORDER

6 19-02-2015

No one appears on behalf of the petitioners on the second consecutive date.

The petitioners have been convicted by the IVth Additional Sessions Judge, Barh, Patna in Cr. Appeal No. 192 of 2009 for simple imprisonment of six months for the offence punishable under Section 323 of the Indian Penal Code and sentenced petitioner No.1 particularly for simple imprisonment for one year and fine of Rs. twenty five thousand payable to the complainant with further punishment of S.I. of six months for the offence punishable under section 498 (A) of the Indian Penal Code.

It has been submitted that the marriage was taken place in the year 1975 whereas the present Complaint was instituted in the year, 2001. In these circumstances, the learned counsel for the petitioners submits that the conviction is bad in law

and sentence is excessive.

Considering such submission, the representation of petitioner No. 2 is concerned, is allowed and conviction and sentence is set aside. As per the petitioner No. 1, the complainant convict remained his wife and his sentence is reduced to one year. However, the petitioner No. 1 will pay a sum of Rs. 15,000/- within a period of four months to the complainant and if it will not be paid, he will have to undergo rest imprisonment.

The application is accordingly disposed of.

(Anjana Prakash, J)

Sudha/-

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