

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.873 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

Kanchan Kumari @ Kanchan Devi daughter of Jagdish Pd Nayak.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. N. K. Agarwal, Sr. Adv.

For the Respondent/s : Mr. C. Jawahar, APP.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-05-2015

The petitioner seeks revision of the judgment in appeal dated 04.06.2013 passed in Cr. Appeal No. 45 of 2009 whereby the Adhoc Addl. District and Sessions Judge III, Gaya has sentenced her to RI for one year and imposed fine of Rs. 5000/- under Section 380 I.P.C.

The case of the complainant is that petitioner being his wife had stolen some house hold articles. She was put on trial, sentenced to one year R.I and a fine of Rs. 1000/-.

It has been pointed out by the petitioner that earlier the matter was compromised between the parties which fact could not be placed before the Appellate Court and hence the conviction deserves to be set aside.

Notices had been issued to the O.P. No. 2 but despite service of notice none appears on his behalf.

Having considered the peculiar nature of case, the application is allowed and the order of conviction and sentence dated 04.06.2013 passed in Cr. Appeal No. 45 of 2009 by the Adhoc Addl. District and Sessions Judge III, Gaya, is hereby set aside.

(Anjana Prakash, J)

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