

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.973 of 2014

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1. Jamila Khatoon Wife of Shree Anwarul Haque Resident of Village-
Lakari Tola (Dargah), Gausi Hata, P.S. - Mirganj, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Patia Devi Wife of Shree Sheo Bachan Mahto Resident of Village-
Lakari Tola (Dargah), Gausi Hata, P.S. - Mirganj, District-Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha No-1
For the Respondent/s : Mr. Kumar Ranjit Ranjan (App)
For O.P. No. 2 : Mr. Akhauri Bipin Bihari Shrivastava.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 08-11-2016 Heard learned counsel, appearing on behalf of the

petitioner and learned counsel, appearing on behalf of the

Opposite Party No. 2. Learned Additional Public Prosecutor for

the State of Bihar has also appeared.

2. The petitioner has preferred this application under
Section 397 read with Section 401 of the Code of Criminal
Procedure, 1973 (Cr.P.C.), aggrieved by the judgment and order,
dated 13.09.2011 passed by learned 1st Additional Sessions Judge,
Siwan, in Criminal Appeal No. 46 of 2004, whereby he has
affirmed the judgment and order, dated 10.12.2004, passed by
learned Sub Divisional Judicial Magistrate, Siwan, in Trial No.
292 of 2004 arising out of Complaint Case No. 1196 of 1995.
Learned Trial Court by the said judgment and order, dated
10.12.2004 has held the petitioner and her husband, namely,



Unwarul Haque, guilty of the offences punishable under Sections 406 and 420 of the Indian Penal Code and sentenced them to undergo rigorous imprisonment for three years, for each of the offences, sentences to run concurrently. There appears to be no dispute about the fact that the persons, who were convicted by the judgments and orders impugned and the complainant (opposite party No.2) had entered into a compromise and they wanted compounding of all the offences on that basis. At the appellate stage, a compromise petition was filed, seeking permission for compounding of the offences in terms of Section 320(2) of the Cr.P.C. It further transpires that the appellate Court while allowing the parties to get the offences compounded, had adjourned the hearing for a particular date for adducing evidence only for the purpose of accepting the compromise for compounding the offences. Since the parties absented themselves, the Appellate Court dismissed the appeal on merits. The petitioner's husband, namely, Unwarul Haque, thereafter, filed a revision application under Section 397 read with Section 401 of the Cr.P.C., before this Court, which gave rise to Criminal Revision No. 258 of 2012 (Unwarul Haque Vs. State of Bihar).

3. Taking the plea that since the parties had entered into a compromise by settling their disputes and wanted to get the offences compounded, it was pleaded before this Court that they

might be allowed to get the offences compounded. This Court, vide an order, dated 10.04.2014, having taken note of the fact that the offence under both the Sections were compoundable, accepted the compromise and allowed the said Criminal Revision No. 258 of 2012 by an order, dated 14.04.2014.

4. Learned counsel for the petitioner has submitted that in the light of the order of this Court, dated 10.04.2014, this revision application may also be disposed of.

5. Learned counsel, appearing on behalf of the Opposite Party No. 2, the complainant does not have any objection to such submission made on behalf of the petitioner.

6. Considering the facts and circumstances as noticed above, this revision application is allowed.

7. The judgments and orders of conviction and sentence passed by the learned Courts below are set aside to the extent the same relates to the petitioner. The petitioner stands acquitted of the charges in terms of Section 320 (8) of the Cr.P.C. Further, she shall be discharged from the liability of the bail bonds.

(Chakradhari Sharan Singh, J.)

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