

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.652 of 2014

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Jai Shankar Roy @ Bachcha Babu son of Late Iswar Roy Yadav resident of
Mohalla Magardahhi Kharidabad Ward No. 15 (old) New Ward No. 29,
P.O. P. S. and District Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Agrawal

For the Respondent/s : Mr. Rajendra Singh Shastri Ji(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 15-12-2016

Heard learned counsel for the parties.

The petitioner has been convicted of an offence punishable under Section 498A of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of three years. He has also been convicted of the offence punishable under Section 323 of the Indian Penal Code for which he has been sentenced to undergo imprisonment for a period of six months. In addition to sentence of imprisonment, fine has also been imposed on the petitioner by the judgment and order dated 23.03.2013 passed by the learned Sub Divisional Judicial Magistrate, Samastipur in Complaint Case No. 341 of 1998, which has given rise to Trial No. 1623 of 2013. The petitioner, thereafter, filed an appeal against the said judgment and order of conviction and sentence, which has been registered as Criminal Appeal No. 18 of



2013 and is said to be pending in the Court of learned 3rd Additional Sessions Judge, Samastipur.

2. During the pendency of the appeal, the petitioner applied before the appellate Court for suspension of conviction, which has been rejected by an order dated 09.05.2014.

3. The present criminal revision application under Sections 397 read with 401 of the Code of Criminal Procedure, 1973 has been preferred against the said order dated 13.06.2014 passed by learned Adhoc Additional Sessions Judge-I, Samastipur.

4. From the said order dated 09.05.2014, I notice that the next date for argument was fixed on 13.06.2014. It is not known as to why more than two and half years thereafter, the appeal has so far not been disposed of.

5. Learned counsel appearing on behalf of the petitioner has submitted that marriage of the petitioner with the daughter of the informant has since been dissolved with mutual consent under Section 13(i)(b) of the Hindu Marriage Act. He has also submitted that both of them have entered into a compromise and have resolved all their disputes.

6. Learned counsel has referred to compromise petition jointly filed by them before the Court of learned Sub Divisional Judicial Magistrate, Samastipur on 16.02.2012. He has



submitted that the appellate Court may be directed to dispose of the criminal appeal within a reasonable time after taking into account the terms of the compromise entered into between the petitioner and his ex-wife.

7. Without going into the legality of the order, which is under challenge, in the facts and circumstances of the case and considering the submission advanced on behalf of the petitioner, this application is disposed of with an observation that let the disposal of Criminal Appeal No. 18 of 2013 pending in the Court of learned Adhoc Additional Sessions Judge-I, Samastipur be expedited and let it be disposed of within a period of six months from the date of the communication of this order. While considering the appeal, the appellate Court will be expected to consider the of compromise petition said to have been filed jointly in the trial Court.

8. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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