

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1026 of 2006

Arising Out of PS.Case No. -0 Year- null Thana -null District- GAYA

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Rinki Devi, daughter of Basdev Prasad, resident of Village Parshohda, PS Guraru,
District Gaya

.... Petitioner

Versus

1. Durga Paswan, son of Shiv Nandan Paswan, resident of Village Parshohda, PS Guraru, District Gaya
2. State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Rajendra Kishore Prasad
Mr. Manojeshwar Pd.Sinha
Mr. Anil Kumar Saxena

For the State : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT
Date: 05-12-2017

The petitioner, the informant of G.R. Case No. 1949 of 1998, being aggrieved by the judgment dated 28.8.2006 passed by the Additional Sessions Judge, FTC IInd, Gaya, affirming the conviction under Sections 452 and 354 of the IPC passed by the trial court, modified the sentence of imprisonment and in view of the compromise released the accused person (respondent No. 1 of this case) on furnishing bond under Section 4 of the Probation of Offenders Act, 1958. The trial court had awarded the sentence of rigorous imprisonment for three years for committing the offence under Section 452 IPC and fine of Rs. 500/- and two years of rigorous imprisonment for committing the offence under Section 354 IPC



and in case of default in making payment of fine to further undergo simple imprisonment for three months.

2. Learned Counsel appearing on behalf of the petitioner submits that the compromise petition relied upon by the appellate court is a forged document as the petitioner never put her LTI on the compromise petition, so a substantive punishment should be awarded to the accused – respondent No. 1.

3. Learned Counsel appearing on behalf of the State submits that the matter relates to enquiry.

4. Having considered the rival submission and on perusal of the record it appears that the petitioner is making allegation of false statement or declaration relating to compromise in between the parties before the appellate court. In view of Section 195 Cr.P.C. there is provision relating to prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence. When such prosecution is to be launched there is provision in Chapter XVI of the Code of Criminal Procedure in view of Section 340 Cr.P.C. to make preliminary enquiry in this regard. It cannot be decided in the revisional jurisdiction whether the compromise petition relied upon by the appellate court was a forged document produced before the Court as claimed by the petitioner. Only after preliminary enquiry as contemplated the Court may record a finding in view of said provision.

5. This revision application is accordingly disposed of with the observation that the petitioner may file a petition under Section 340 of the



Code of Criminal Procedure before the concerned appellate court for making preliminary enquiry under Section 340 of the Code of Criminal Procedure and to record a finding in this regard.

(Arun Kumar, J.)

Snkumar/-

AFR/NAFR	NAFR
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