

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.320 of 2015

=====

1. Sandip Kumar Thakur, son of Umakant Thakur, resident of Village: Sahabad, P.S : Sultanganj, District: Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanju Kumari, wife of Sandip Kumar Thakur, D/o Gaya Choudhary, resident of Road No. 39, Anishabad, P.S: Gardanibagh, District: Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Das No.- 2

For the Respondent/s : Mr. Dashrath Mehta(App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

11 08-03-2017

Heard learned counsel for the parties.

The petitioner is the husband of Opposite party No.2.

This application has been filed against judgment of conviction and order of sentence dated 16.02.2015 passed in Criminal Appeal No. 45 of 2013, whereby the petitioner's conviction and order of sentence, dated 28.02.2013 passed by learned Sub Divisional Judicial Magistrate, Patna in Complaint Case No. 2391 © of 2006 recording conviction of the petitioner under Section 498A of the Indian Penal Code has been upheld. The sentence of rigorous imprisonment for a period of three years and fine of Rs. 3,000/- for the offence punishable under Section 498A of the Indian Penal Code has also been upheld.



During the pendency of this application, the petitioner and Opposite party No.2 have entered into a compromise and a compromise petition being I. A. No. 499 of 2017 has been filed in this regard, relevant portion of which reads thus:-

“1. That due to intervention of common relatives and well wishers of both the parties, they have settled their dispute outside the Court amicably and entered into compromise.

2. That as per terms of compromise a registered gift deed bearing deed No. 1414 dated 25.02.2017 has been executed in favour of Opposite party No.2 Sanju Kumari with respect to 15 kathas land bearing khata NO. 7, plot No. 302 of Mauza Asthandih, Thana No. 68 P. S. Sultanganj, District Bhagalpur. Aforesaid gift deed has been executed by Deepak Kumar Thakur brother of petitioner at his instance and consent of family members of petitioner in favour of Opposite party No.2 Sanju Kumari.

3. That the petitioner has paid a lump sum amount of Rs., 50,000/- to the Opposite party No.2 and has agreed to pay an amount of Rs. 2500/- per month to Opposite party No.2 towards maintenance of her child. The aforesaid amount shall be deposited in bank account of Opposite party No.2 bearing A/C No. 151201000012632 of Indian Overseas Bank at Shastri Nagar, Patna Branch every month by the petitioner Sandip Kumar Thakur.

4. That part of residential house measuring 340.5 sq. ft. which consists of one room and parti land (Sahan) at Mauza- Sultanganj P. S. Sultanganj, District-Bhagalpur bearing Khata No. 1872, Plot No. 407 has been allotted in share of Opposite party No.2, Sanju Kumari and her two minor child Nishant Kumar Thakur and Nandani Kumari for their separate residence. The petitioner shall not cause or permit to be caused inconvenience in separate living of Opposite party No.2 with her children in aforesaid allotted house



with full dignity and undertakes to provide safety of their life and honour.

5. That the Opposite party No.2 shall withdraw the Maintenance Case No. 36 (M) of 2011 pending in the Court of Additional Principal Judge, Family Court, Patna as soon as possible and shall not claim over arrears due in the said case. The Opposite party No.2 shall also make effort for the logical end of Sessions Trial Case No. 969 of 2012 pending in the Court of Additional District Judge-III, Patna in terms of compromise.

6. That the parties have entered into compromise out of their free will and accord without any coercion or undue pressure.

7. That the parties undertake to follow terms of compromise mentioned above and shall not violate the said terms in any manner.”

In view of the compromise entered into between the petitioner and Opposite party No.2, as jointly suggested by the learned counsel for the parties, this application is disposed of, without interfering with the findings of conviction, by modifying the order of sentence of imprisonment to the period of custody which the petitioner has already undergone.

I. A. No. 499 of 2017 stands disposed of.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--

