

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.286 of 2017

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1. Kashinath Thakur, son of Baijnath Thakur, Resident of Village- Kurhaili
Araradi (Maldawar), P.S.- Palasi, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mohni Devi, daughter of Gangadhar Jha, Resident of Village- Chauri,
P.S.- Palasi, District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarangdhar Jha, Advocate

For the Respondent/s : Mr. Smt. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-03-2017 By judgment and order dated 17.03.2016 passed in

G.R. 571 of 2000 arising out of Palasi P.S. Case No. 48 of 2000,
the petitioner stood convicted of the offence punishable under
Section 498A of the Indian Penal Code and sentenced to undergo
simple imprisonment of two years with a fine of Rs. 2000/-, by the
court of Additional Chief Judicial Magistrate-II, Araria. The said
judgment of conviction and order of sentence came to be
confirmed by learned 1st Additional Sessions Judge, Araria by his
judgment and order dated 27.01.2017 passed in Criminal Appeal
No. 07 of 2016. The petitioner is the husband of the informant.
The First Information Report was registered in the year 2000 and
trial concluded in the year 2016.



Learned counsel for the petitioner has submitted that there being concurrent findings of fact recorded by the courts below, the Court may not go into correctness of such findings of conviction in criminal revisional jurisdiction. He however has urged that against term of two years of imprisonment awarded by the trial court, the petitioner has already remained in custody for nearly 13 months. He has, accordingly, submitted that considering long pendency of trial and nature of accusation, this Court may take lenient view of the matter on the point of sentence. He has also submitted that the marriage of the petitioner has finally been dissolved by a decree of divorce and for peace of the two families also, this Court may interfere in the matter of imposition of sentence.

I find substance in submission so advanced on behalf of the petitioner. Without disturbing the finding of conviction recorded by the court below, the sentence awarded is, hereby, modified to the period of custody, which the petitioner has already undergone.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Vats/-

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