

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.392 of 2017

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

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Kundan Kumar, Son of Sri Bindeshwari Mandal, Resident of Village Piprahi, P.S. Gamharia, District Madhepura

.... Petitioner

Versus

1. The State of Bihar
2. Kanchan Kumari (Devi), Wife of Kundan Kumar, D/o Yogendra Prasad Mandal, Resident of Village Piprahi, P.S. Gamharia, District Madhepura, At present Resident of Village Madhuban, P.S./District Madhepura

.... Respondents

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate

For the State : Mr. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner has preferred this criminal revision application against the judgment and order dated 09.12.2016, passed by learned Sessions Judge, Madhepura in Criminal Appeal No.22 of 2012 whereby he has upheld the judgment of conviction and order of sentence dated 15.09.2012, passed by learned S.D.J.M., Madhepura in Complaint Case No.524 whereby finding the petitioner, Kundan Kumar-the husband, guilty for offence under Section 498A of the Indian Penal Code as well as Section 4 of the Dowry Prohibition Act sentenced him to undergo SI of two years along with fine of Rs.2000/- and further one year of imprisonment and fine of Rs.2000/- for committing offence under aforesaid sections respectively however, directed that both sentences shall run concurrently and in case of failure in depositing fine amount to further undergo SI of six



months.

3. Learned counsel for the petitioner submits that the petitioner was forcibly married with the complainant after kidnapping him and the girl was also mentally ill, so conviction is bad. However, there is no such evidence on the record in support of the contention of the defence. No evidence either oral or documentary was adduced that the petitioner was married after kidnapping or complainant is mentally ill. In alternative argument, the learned counsel for the petitioner submits that the period of sentence should be reduced as the sentence is on the higher side i.e. of two years and submits that already this petitioner has remained in custody in totality approximately for 19 months.

4. Having considered the rival submissions and on perusal of the records, the Court finds that there is no ground for setting aside the conviction and to interfere with the concurrent finding of both the courts. However, the period of sentence is modified to the period already undergone by the petitioner as he has remained in custody for approximately 19 months.

5. Only with the modification in the period of sentence, this revision application stands disposed of.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2017
Transmission Date	11.12.2017

