

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.892 of 2016

=====

Md. Laddu, Son of Md. Aziz Resident of Village- Gangaram
Badheta, P.S. Bochahan, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sanwari Khatoon Daughter of Md. Rehman Resident of
Village- Kurkuriya, P.S. Saraiya, district Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the O.P. No. 2 : Mr. Alok Kumar Alok, Adv.

Mr. Dilip Kumar Roy, Adv.

For the State : Mr. Jitendra Kumar Singh

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

4 10-01-2017 Heard the parties.

The petitioner is the husband of opposite party
No. 2. The petitioner is stood convicted of the offence
punishable under Section 498A of the Indian Penal Code at a
trial before learned Sub-Divisional Judicial Magistrate, East,
Muzaffarpur, *vide* judgment and order, dated 24.06.2014,
passed in Trial No. 834 of 2014, arising out of Complaint
Case No. 2102 of 2007. The trial Court had acquitted the



petitioner of the charge of offence punishable under Section 3/4 of the Dowry Prohibition Act. After holding the petitioner guilty of the said offence, under Section 498A of the Indian Penal Code, learned trial Court sentenced him to undergo rigorous imprisonment for a period of two years and a fine of Rs. 2,000/-. In the event of default of payment of fine amount, the petitioner was required to undergo further imprisonment for a period of two months.

The petitioner, thereafter, preferred an appeal in the Court of learned Sessions Judge, Muzaffarpur, which came to the file of learned Additional Sessions Judge-III, Muzaffarpur, being Cr. Appeal No. 42 of 2014. The learned Additional Sessions Judge, by his judgment and order, dated 08.06.2016, confirmed the conviction and sentence recorded by the learned trial Court. In that background the present criminal revision application, under Sections 397 and 401 of the Code of Criminal Procedure, has been filed against the judgments and orders passed by the learned courts below.

Learned counsel for the petitioner taking a line of resistance, referring to the findings recorded by the learned courts below, has submitted that it would be in the interest of justice that without interfering with the findings of conviction that sentence of imprisonment may be reduced to a term of period already undergone by the petitioner in custody.



Learned counsel appearing on behalf of opposite party No. 2 has no objection to such submission made on behalf of the petitioner.

Considering the materials on record and the nature of allegation on basis of which the petitioner has been convicted, I find that there are mitigating circumstances which warrants reduction of sentence, particularly the circumstance that the charge of commission of offence, under Section 3/4 of the Dowry Prohibition act, could not be proved at the trial. Accordingly, while not interfering with the conviction of the petitioner, the sentence of imprisonment for a term of two years is, hereby, reduced to the period of custody which the petitioner has already undergone after rejection of his appeal, which is said to be two months.

This application is, accordingly, disposed of.

It is made clear that so far as sentence of fine is concerned, the same does not require any interference or modification. The said fine must be deposited within a period of one month from today.

(Chakradhari Sharan Singh, J)

Praveen-II/-

U		T	
---	--	---	--

