

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.679 of 2007

- =====
1. Jhakho Devi, wife of Tukan Thakur
 2. Rani Devi @ Guni Devi, wife of Anil Thakur
 3. Rukwa Devi, wife of Mahendra Thakur
 4. Tukan Thakur, son of Late Devi Thakur
 5. Anil Thakur, son of Tukan Thakur
 6. Sanjay Thakur, son of Tukan Thakur
- All resident of village Mircha, Police Station sikandra, District Jamui

... .. Petitioner/s

Versus

STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAM SUMIRAN RAI
For the Respondent/s : Mr. APP.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 21-07-2017

The petitioners assail the impugned judgment and order, dated 30.04.2007, passed by learned Additional Sessions Judge, Fast Track Court No. V, Jamui, in Criminal Appeal No. 203 of 2001, whereby he has affirmed their conviction of the offence punishable under Section 498A of the Indian Penal Code, recorded by learned Judicial Magistrate, 1st Class, Jamui, in G. R. No. 749 of 1993 (Trial No. 41 of 2001), dated 20.10.2001. They also stand convicted of the offence punishable under Section 323 of the Indian Penal Code. The Court below sentenced them to rigorous imprisonment for a term of one year



for the offence punishable under Section 498A of the Indian Penal Code and 06 months for the offence punishable under Section 323 of the Indian Penal Code. One of the co-accused, Mahendra Thakur, the husband of the victim, has been convicted of the offence punishable under Section 494 of the Indian Penal Code also.

2. These petitioners are family members of the husband of the informant. From the case of the prosecution and other materials on record, it transpires that the informant had made grievance against the co-accused, Mahendra Thakur, of having re-married during the subsistence of marriage with the informant and, thus, constituting an offence under Section 494 of the Indian Penal Code.

3. It appears from the judgments and orders passed by the learned Courts below that so far as these petitioners, who are relatives of the husband of the informant are concerned, there is no concrete and specific evidence to establish offence under Sections 498A or 323 of the Indian Penal Code. The conviction of these petitioners of offences punishable under Section 498A and 323 of the Indian Penal Code is not sustainable.

4. Accordingly, the impugned judgment and order,



dated 30.04.2007, passed in Criminal Appeal No. 203 of 2001,
is set aside.

5. This application is allowed.

6. The petitioners are on bail by virtue of order,
dated 25.05.2007. They are accordingly discharged from the
liabilities of the bail bonds furnished earlier in this case.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25-07-2017
Transmission Date	25-07-2017

