

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.629 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Ashok Prasad son of Rajendra Prasad, Resident of Village- Samhauta, P.S.-
Sathi, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar
Mr. Shivjee Sisngh

For the Respondent/s : Mr. Uma Shankar Prasad Singh

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

JUDGMENT AND ORDER
ORAL

Date: 17-07-2017

Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

2. The petitioner stood convicted of the offence
punishable under Section 498A of the Indian Penal Code at a
trial before learned Additional Chief Judicial Magistrate III,
Bettiah, West Champaran, arising out of Complaint Case No.
2963C of 2003 and sentenced to undergo simple imprisonment
for a period of three years with fine of Rs. 10,000/-.

3. The said conviction, recorded by the learned
Trial Court and sentence imposed by it, has been affirmed by
learned Sessions Judge, West Champaran, at Bettiah, in
Criminal Appeal No. 49 of 2016, by judgment and order, dated
16.02.2017.



4. The Appellate Court's judgment and order, dated 16.02.2017, is being assailed in the present criminal revision application, by the petitioner, who is the husband. The complainant, i.e. the petitioner's wife, is no more. For her death, a case has been registered against the petitioner for offence punishable under Section 302 of the Indian Penal Code, in which the trial is still pending.

5. Learned Counsel appearing on behalf of the petitioner has submitted that father of the deceased, in course of time, when he realized that the petitioner was being wrongly prosecuted, wanted to get the matter compromised before the learned Appellate Court, but the offence being non-compoundable, the learned Appellate Court refused to accept the petition filed on behalf of the father of the deceased for compromising the case, under Section 498A of the Indian Penal Code.

6. Learned Counsel for the petitioner has, further, submitted that there being no dispute that the case of the prosecution has been supported by the witnesses at the trial, leading to petitioner's conviction and there being concurrent findings recorded by the Courts below of conviction, the judgments cannot be assailed on the ground of perversity. He has, however, submitted that there being mitigating circumstances available on record, the sentence of imprisonment of three years is excessive and should be



reduced to a reasonable period. It is also submitted that the only child, born out of the marriage, is living with the petitioner.

7. In view of what has been submitted on behalf of the petitioner, as noted above, I find it to be fit case where the sentence, which has been imposed by the learned Trial Court and affirmed by the learned Appellate Court, should be reduced.

8. Learned Counsel for the petitioner has informed that the petitioner has remained in custody for more than six months.

9. In that view of the matter, this revision application is disposed of by modifying the order of sentence from imprisonment for a period of three years to the imprisonment for a period of six months.

10. This application stands disposed of.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
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