

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.286 of 2018

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1. Dinesh Pal, son of Ram Sewak Pal, Resident of village- Birsingpur, P.S. Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ambika Devi, Wife of Dinesh Pal and Daughter of Ram Prakash Prasad, Resident of village- Bansdih, P.S.- Hayaghat, District Samastipur, At present Peon, Civil Court, Jamtara, P.S. and District Jamtara, Jharkhand.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Respondent/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-10-2018 This revision application has been preferred against the judgment dated 20.02.2017 passed by the learned Additional Sessions Judge –I, Samastipur in Cr. Appeal No. 03/2007 (arising out of Kalyanpur P.S. Case No. 91 of 1993), by which, he has acquitted the appellant from the charge under Section 3 and 4 of Dowry Prohibition Act. However, he affirmed the conviction of petitioner under Section 498A of the IPC with modification in sentence from R.I. of two years to S.I. for one year and also removed the fine. It further appears that other accused persons were acquitted by the learned Appellate Court from the charge levelled against them.

The aforesaid Cr. Appeal was filed by the petitioner against



the judgment of conviction and order of sentence dated 08.12.2006, passed by learned Sub Divisional Judicial Magistrate, Samastipur in Kalyanpur P.S. Case No. 91 of 1993, G.R. No. 1018 of 1993, T.R. No. 55 of 2006, by which, the petitioner and other co-accused persons were convicted under Section 498A of the IPC and Section 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner confined his argument only to the quantum of sentence and submitted that the case is twenty five years old, as the occurrence is said to have taken place in the year 1993 and sentence of the petitioner has been modified to simple imprisonment of one year, out of which, he has already remained in judicial custody for seven and half months and, therefore, a lenient view may be taken and the period of sentence may be modified to the period of custody already undergone by him in judicial custody.

Learned counsel for opposite party no. 2 has opposed the present revision application.

Having considered the submission of the parties and also perused the records, from which, it appears that the case is twenty five years old and petitioner has already suffered ignominy and pain for twenty five long years and he has also remained in custody for seven and half months. As such, the conviction of



petitioner under Section 498A of the IPC, is confirmed, however, the period of sentence is modified to the period already undergone by him in judicial custody.

With the aforesaid modification in sentence, this application is dismissed.

(Vinod Kumar Sinha, J)

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