

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 82 of 2018

Arising Out of Complaint Case No.-958 C Year-2009 Thana- MUNGER COMPLAINT
CASE District- Munger

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Md. Javed Hussain, Son of Md. Late Akhtar Hussain, Resident of Village-
Maheshpur, P.S.- Piri Bazar, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Arju Khatun, Wife of Md. Javed Hussain, Resident of Village-
Maheshpur, P.S.- Piri Bazar, District- Lakhisarai at present Mohalla-
Murgiyachak, P.S.- Kotwali, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Opposite Party No. 2	:	Mr. Raj Kumar Choudhary, Advocate
For the State	:	Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 01-08-2019

Nobody appears on behalf of the petitioner. Learned
counsel for the State and learned counsel for the opposite party no.
2 have assisted the Court.

2. The petitioner has moved the Court under Sections
397 and 401 of the Code of Criminal Procedure, 1973 (hereinafter
referred to as the 'Code') against the judgment and order dated
26.07.2017 passed by the IInd Additional Sessions Judge, Munger
in Criminal Appeal No. 1 of 2017, by which the judgment and
order of conviction and sentence dated 22.12.2016 passed in



Complaint Case No. 958C of 2009, against the petitioner by the Sub Divisional Judicial Magistrate, Munger has been upheld.

3. The opposite party no. 2 being the wife of the petitioner had filed the aforesaid complaint case in which upon trial, the petitioner was convicted under Sections 498A and 323 of the Indian Penal Code and 4 of the Dowry Prohibition Act and sentenced to undergo simple imprisonment for two years for offence under Section 498A of the Indian Penal Code; six months for offence under Section 323 of the Indian Penal Code and four months for offence under Section 4 of the Dowry Prohibition Act and fine of Rs. 3,000/- and in default to undergo one month further simple imprisonment.

4. From the materials on record and after hearing the parties and upon going through the judgments of the trial Court and the appellate Court, the Court finds that on the basis of cogent materials, including the deposition of the witnesses, both the Courts have considered the matter, which in the considered opinion of the Court, does not require any interference. The reasoning given and the inferences drawn by the Courts below are within the parameters of judicial discretion and the view taken not suffering from any infirmity, once two Courts have taken one view which this Court also endorses and finds plausible and



reasonable, there is no occasion for any interference by this Court while exercising revisional power under the Code.

5. In view thereof, the application stands dismissed.

6. Incidentally, the petitioner and the opposite party no. 2 are present in Court. The bail bond of the petitioner stand cancelled. He shall surrender before the Court below within one week from today to serve the remaining period of his sentence in terms of the trial Court judgment and order dated 22.12.2016.

7. The Lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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