

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.835 of 2018

Arising Out of PS. Case No.-735 Year-2006 Thana- MUZFFARPUR COMPLAINT CASE

District- Muzaffarpur

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Vikash Kumar, S/o Ram Adhar Rai, R/o Vill.- Punarwara Shyam, P.S.-
Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rupa Devi W/o Vikash Kumar D/o Bhola Rai, R/o Vill.- Baijnathpur, P.S.-
Hathauri, District- Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Respondent/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 28-01-2019

Heard parties.

This criminal revision application has been filed against the judgment and order dated 17.08.2015 passed in Cr. App. No.41 of 2013 by Additional Sessions Judge XI, Muzaffarpur by which he has dismissed the appeal of petitioner and affirmed the judgment of conviction and order of sentence dated 15.05.2013 passed in complaint case no.735 of 2006 (Trial No.700 of 2013) passed by S.D.J.M. (East), Muzaffarpur by



which the learned trial court has convicted petitioner under section 498 A of IPC and sentenced to undergo rigorous imprisonment of two years with fine of rupees four thousand and in default to go simple imprisonment for two months and further convicted him under Section 4 of Dowry Prohibition Act and sentenced to undergo simple imprisonment of 6 months and in default to undergo further simple imprisonment for one month. Both the sentence shall run concurrently.

Complainant Rupa Devi instituted a complaint case no.735 of 2006 in the court of learned CJM, Muzaffarpur alleging therein that she was married to petitioner Vikash Kumar in March 2000 as per Hindu rites and customs and father of the complainant gifted cash of rupees ten thousand and ornaments and clothes and she went to her matrimonial house next day where she was told by her in-laws that she will have to hand over all the articles to leave peacefully, upon which complainant gave her *Strheedhan* with an assurance that she will receive it whenever demanded. Thereafter, accused persons started demanding dowry and on non-fulfillment of which she was tortured and even food was denied to her and she was confined in a room and assaulted by fists and slaps. Her father came and fulfilled the demand of the accused but even thereafter again



rupees one lakh was demanded and for non-payment of which she was again tortured, assaulted and abused and also ousted from her matrimonial house. Attempt was made to set her ablaze but some how she managed to save herself and came to her parental house.

In support of her complaint case, complainant has examined five prosecution witnesses among them P.W.1 is Rupa Devi complaint herself, P.W. 2 is Rekha Devi, mother of the complainant, P.W. 3 is Chandravir Rai, brother of the complainant, P.W. 4 is Bhola Rai, father of the complainant and P.W. 5 is Ram Anek Singh, a formal witness who has identified the complaint petition which has been marked as Ext. 1. No evidence either, oral or documentary was adduced on behalf of the defence and they denied the charges and pleaded innocence.

After considering the evidence and materials available on record, the trial court has held that complainant has been successful in proving the charges under Section 498A and Section 4 of Dowry Prohibition Act beyond all reasonable doubt and convicted the petitioner for offence under Section 498 A and Section 4 of Dowry Prohibition Act.

On appeal being filed on behalf of petitioner, the appellate court re-appreciated and reconsidered the evidences and



materials available on record and came to the same finding and held that charges against petitioner stand proved beyond all reasonable doubt and has affirmed the judgment and conviction and order of sentence passed by trial Court.

After hearing the parties and perusing the orders passed by both courts, this Court does not find any error, irregularity or illegality committed by the courts below and, as such, the conviction of petitioner is upheld. It has been submitted on behalf of petitioner that he has been sufficiently punished and he is in custody since 28.04.2018. It has been further submitted that being a family matter, the dispute was amicably settled between the parties as contained in Annexure 1 of petition and further the complainant Rupa Devi was married on 17.02.2013 with Pintu Rai in support of which, a certificate of Sarpanch has been enclosed as Annexure 2 as such, a prayer has been made to reduce the sentence of the petitioner. After due consideration, this Court does not find any infirmity in the order passed by both the courts, however, sentence is reduced to the period already undergone.

In the result, this criminal revision petition is dismissed with modification to the extent that the order of sentence is modified to the period already undergone. Petitioner is directed



to be released forthwith from the prison if not wanted in any other case.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.02.2019
Transmission Date	11.02.2019

