

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.707 of 2019

Arising Out of PS. Case No.-2472 Year-2004 Thana- COMPLAINT CASE District- Araria

Bibi Tabassum Naj, W/o Md. Tarbraj Alam, R/o village- Chillhaniya, P.S.-
Mahalgawn, District- Araria

... .. Petitioner

Versus

1. The State of Bihar
2. Afroj Alam @ Md.Afroj Alam, S/o Shekh Riyaj Uddin, R/o village-
Chilhaniya, P.S.- Mahalgawn, District- Araria
3. Shekh Riyaj Uddin, S/o Late Shekh Buddu Marhum, R/o village-
Chilhaniya, P.S.- Mahalgawn, District- Araria

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-02-2020 Heard learned counsel for the petitioner. No one
appears for the State.

This revision application has been preferred for setting aside the judgment and order dated 23.01.2019 passed by learned Additional Sessions Judge-II, Araria in Cr. Appeal No. 20 of 2017 arising out of Complaint Case No. 2472 of 2004/CIS No. 6883 of 2013 by which the learned S.D.J.M., Araria had convicted the opposite party nos. 2 and 3 with a simple imprisonment for one year and fine of Rs. 2000/- each for the offence committed under Section 498A of the Indian Penal Code.



Learned counsel for the petitioner submits that on perusal of the judgment of the learned trial court it will appear that the complainant herself and three other witnesses had supported the complaint case. The witnesses who are of course the brothers and sister of the complainant made statement that these opposite parties were also involved in committing torture upon the complainant and so far as the opposite party nos. 2 and 3 are concerned there were allegations that the opposite party no. 3 had asked the co-accused Rukshana (since deceased) to bring kerosene oil, she had poured the kerosene oil on the body of the complainant and opposite party no. 3 had lighted the matches whereupon the complainant shouted and people from the village assembled there who saved her.

It is submitted that on the face of these evidences the learned trial court had convicted the husband as well as the opposite party nos. 2 and 3 but the learned appellate court has interfered with the conviction of opposite party nos. 2 and 3. The appellate court came to a conclusion that these opposite parties have been convicted without there being any material against them hence, the judgment of the learned trial court has been interfered with as regards opposite party nos. 2 and 3 and they have been acquitted of the charges under Section 498A and



Section 3/4 of the Dowry Prohibition Act.

On perusal of the records, this Court finds that the charges in this case were framed under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. In course of trial no specific evidence was brought to demonstrate that these two opposite parties were demanding dowry and/or any dowry was given to these opposite parties. On the point of pouring kerosene oil also, there is a mere statement but nothing to suggest that any burn injury was caused to the complainant and/or that attempt was made to burn her.

The learned trial court has recorded the statement of the complainant in course of trial where she has stated that on her shouting the villagers had come and saved her but in course of evidence none of the villagers came forward to support her case and there was no independent evidence on this point.

In the opinion of this Court, the learned appellate court has having appreciated the evidences on the record came to a conclusion that the charges against these opposite parties are not proved and this Court does not find any infirmity much less any perversity with the impugned judgment of the learned appellate court.

In its revisional jurisdiction, this Court is not



supposed to re-appreciate the evidence and record a finding taking a different view of the matter unless some perversity is shown in the consideration given by the learned appellate court.

In result, this revision application has no merit, it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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