

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.525 of 2018

In
CRIMINAL APPEAL (SJ) No.309 of 2016

Arising Out of PS. Case No.-223 Year-2003 Thana- NAUTAN District- West Champaran

Parvati Devi @ Archana Devi , wife of Bairav Prasad, D/o Shri Lal Prasad,
resident of Village-Kharetia, Bettiah Dih, P.S.-Mufassil (Manuapul), District-
West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Bhairav Prasad, son of Gopal Prasad
3. Lalita Devi, wife of Gopal Prasad. Both residents of Village Soiba Tola,
P.S.-Nautan, District-West Champaran.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Sameer Ranjan, Advocate
For the Respondent/s	:	Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 05-07-2022 This revision application has been filed for setting
aside the order dated 11.09.2015 passed by learned 3rd
Additional Sessions Judge, West Champaran, Bettiah in Cr.
Appeal No. 34 of 2014 whereby and whereunder the learned
appellate court has set aside the order of conviction and
sentence dated 09.04.2014 passed by learned S.D.J.M., Bettiah
in G.R. No. 2883 of 2003, S.C. No. 56 of 2014 whereby he has
convicted the opposite party nos. 2 and 3 under Section 498A of
the Indian Penal Code and Section 3 of Dowry Prohibition Act
awarding sentence of 3 years simple imprisonment and under
Section 4 of Dowry Prohibition Act for one year simple



imprisonment and also imposed fine of Rs. 5,000/- only and in default of payment of the same imprisonment of six months was awarded.

Learned counsel for the petitioner submits that the learned appellate court without appreciating the facts available on the record set aside the judgment of conviction and sentence awarded by the learned trial court against the opposite party nos. 2 and 3.

Mr. Md. Fahimuddin, learned A.P.P. for the State is present and submits that the impugned order does not require any interference by this Court.

This Court finds from the judgment of the learned court below that after framing of charge on 16.03.2005, both the parties requested the learned trial court to close the matter in view of the compromise arrived at between the husband and wife. PW 1 namely, Parvati Devi @ Archana Devi has stated in her cross-examination that the accused persons had never made any demand of dowry and they have not tortured her. She has stated that due to the family dispute at the instance of the neighbours the exaggerated kind of allegations were made in the complaint.

PW 2 is the father of PW 1 who has also stated that



the compromise took place in his presence and there was no pressure/coercion for the same. The learned trial court had convicted the opposite party nos. 2 and 3 under Section 498A IPC and acquitted them for the offence under Section 323 IPC. The learned trial court has despite the vacillating kind of evidence decided to convict the opposite party nos. 2 and 3 but the learned appellate court has found that the learned trial court could not appreciate the changing stand of the complainant and her father in course of evidence.

This Court agrees with the view taken by the learned appellate court. No illegality or infirmity much less any perversity may be found in the impugned order. This revision application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

