

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.904 of 2019

Arising Out of PS. Case No.-30 Year-2010 Thana- ARA NAGAR District- Bhojpur

1. Md. Mobarak Ansari Son of Abdul Rahim Resident Of Village - Chaiya Chak, Shivpur, P.S.- Godhani, District- Bhojpur
2. Abdul Rahim Son of Late Md. Khalil Resident of Village - Chaiya Chak, Shivpur, P.S.- Godhani, District- Bhojpur
3. Jalushan Bibi Wife of Abdul Rahim Resident of Village - Chaiya Chak, Shivpur, P.S.- Godhani, District- Bhojpur

... .. Petitioners

Versus

1. The State of Bihar
2. Saida Khatoon, Daughter of Md. Shafik, resident of Chaiya Chak, Shivpuri, P.S.-Gadahani, District-Ara (Bhojpur)

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Advocate
For the Respondent/s	:	Mr. Bal Mukund Prasad Sinha, APP
For the O.P. No. 2	:	Mr. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-09-2022 Learned counsel for the petitioner submits that he has prayed for deleting the name of petitioner no. 3 namely Jalusan Bibi from the array of the petitioners. In this regard, a supplementary affidavit has been filed which is kept at Flag 'B'.

As prayed, let the name of petitioner no. 3 be deleted/expunged from the array of the petitioners.

It is further informed that petitioner no. 2 has been released yesterday by the jail authorities upon completion of his sentence period.

As regards petitioner no. 1, it is submitted that he has remained in custody for about four months. By the impugned



judgment, he has been convicted on 12.04.2019 passed by learned Additional District & Sessions Judge-XI , Bhojpur, Ara in Cr. Appeal No. 18 of 2016 arising out of Ara Nagar P.S. Case No. 30 of 2010 for the offence under Section 498(A) IPC and Section 4 of the Dowry Prohibition Act. He has been ordered to undergo rigorous imprisonment for two years under Section 498(A) and a fine of Rs.10,000/-. For the offence under Section 4 of the Dowry Prohibition Act, he has been sentenced for three months rigorous imprisonment and a fine of Rs.5,000/-.

Learned counsel for the petitioner submits that he has removed defect nos. 1 and 2. He has filed the surrender certificate of petitioner nos. 1 and 2 also.

The informant has entered appearance. Let the name of the informant be added as O.P. No. 2 in course of the day.

Learned counsel for the petitioner submits that in this case, petitioner no. 1 and the informant have divorced each other. They have entered into a compromise whereunder the informant has received a sum of Rs.35,000/- from the petitioner no. 1. It is further submitted that both the parties have re-married and they are living happily with their family. Learned counsel, thus, submits that in such circumstance, the learned trial court as well as the appellate court has completely erred in



not taking into consideration the mitigating circumstances of the case.

Learned counsel for the informant-O.P. No. 2 agrees with the submission of learned counsel for the petitioner. He admits that both the parties have entered into a compromise and settled the dispute whereunder the informant has received a sum of Rs.35,000/-.

In the given facts and circumstances of the case and the submissions noted hereinabove, this Court finds that the sentence imposed upon the petitioner no. 1 may be reduced to the period undergone.

Let the petitioner no. 1 be released from prison.

The fine imposed upon the petitioner no. 1 is set aside.

This revision application is disposed of 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'.

