

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.95 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Jehanabad

SHAIMENDRA THAKUR @ SHAILENDRA THAKUR @ SAMINDRA THAKUR Son of Rambachan Thakur Resident of Village - Ghosi, Post - Ghosi, P.S.- Ghosi, District – Jehanabad. Petitioner/s

Versus

1. The State of Bihar
2. RENU DEVI @ RENU KUMARI WIFE OF SHAIMENDRA THAKUR @ SHAILENDRA THAKUR @ SAMINDRA THAKUR R/O Vill-Ghoshi, P.O-Ghoshi, P.S- Ghosi, Distt.- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the State : Mr. Nirmal Kumar Sinha
For the Opposite Party No. 2 : Mr. Akash Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 17-08-2023 1. Heard learned counsel for the parties concerned.
2. The present revision application has been filed against the judgment and order, dated 03.04.2021, passed, by learned Presiding Officer, Fast Track Court No. 2, Jehanabad, in Criminal Appeal No. 59 of 2014/05 of 2018, whereby the learned Presiding Officer, Fast Track Court No. 2, Jehanabad, has affirmed the judgment and order, dated 02.12.2014, passed, by learned Sub Divisional Judicial Magistrate, Jehanabad, in Trial No. 246 of 2014, arising out of Complaint Case No. 283 C of 2007.
3. By the judgment and order, dated 02.12.2014, the petitioner has been convicted of the offence punishable under Section 498-A of the Indian Penal Code and was sentenced to undergo simple imprisonment for a term of



two years and fine of Rs. 5,000/-, and in default of payment of fine, he was further sentenced to undergo simple imprisonment for a term of three months.

4. Learned Counsel appearing on behalf of the petitioner submits that this revision application has been filed by the petitioner, in which the wife of the petitioner has sworn the affidavit inasmuch as during the pendency of this application, good sense has prevailed between the petitioner and his wife and they have started living jointly with their sons and daughter.
5. Learned Counsel for the petitioner further submits that the petitioner is in custody since 21.12.2022, i.e. for about eight months and at this stage, the petitioner does not intend to assail the findings of the conviction concurrently recorded by the two District Courts. He has, however, submitted that considering the long pendency of the criminal case, i.e. for nearly 16 years, this Court may consider reducing the period of sentence to the period of custody, which the petitioner has already undergone.
6. Learned Counsel for the Opposite party No. 2 has acceded to the prayer advanced on behalf of the petitioner.



7. The Opposite Party No. 2 was personally present before this Court on 10.08.2023 and on a query being put up by this Court, she has admitted that she has compromised with the petitioner and now, she is living with the petitioner, as his wife, along with her sons and daughter.
8. What has emerged from the materials available on record is that the petitioner and Opposite party No. 2 were married in the year 1992, due to matrimonial dispute between them, a complaint petition was filed by the Opposite Party No. 2 in the year 2007 and conviction came to be recorded in the year 2014.
9. Taking a holistic view of the matter and taking into consideration the materials available on record and the fact that the affidavit for filing this revision application has been sworn by the wife of the petitioner and according to the Opposite Party No. 2 herself, good sense has prevailed between them inasmuch as they have started living together as husband and wife, while not interfering with the findings recorded by the District Courts, in view of what has been submitted by the petitioner, the period of sentence of imprisonment for a term of two years is reduced to the period of custody already undergone by the



petitioner. The amount of fine of Rs. 5,000/- is also reduced to Rs. 200/-.

- 10. The petitioner is in custody. Let the petitioner be released forthwith if not wanted in any other criminal case.
- 11. With the aforesaid modification in the sentence, this revision application stands disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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