

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.26 of 2022

Arising Out of PS. Case No.-1 Year-2008 Thana- PURAINI District- Madhepura

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Md. Zakir Hussain Son of Late Md. Yunus Resident of Village - Jajhat
Islampur, Police Station - Singheshwar, District - Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shahnaz Tabbasum Wife of Mr. Zakir Hussain and Daughter of Asgar Ali
Resident of Village - Nardah, Police Station - Puraini, District - Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abdul Wadood, Adv.

For the Respondent/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 01-05-2023

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Counsel for the petitioner submits that the present
criminal revision application has been filed against the judgment
dated 30.11.2021 passed by the learned Additional Sessions
Judge- VIth, Madhepura in Cr. Appeal No. 22 of 2019 by which
the judgment of conviction and sentence dated 06.05.2019
passed by the S.D.J.M. Udakishunganj in G.R. Case No. 7 of
2008 arising out of Puraini P.S. Case No. 01 of 2008 (Trial No.
01 of 2014) by which the learned Trial Court has found the
petitioner guilty and has convicted under Section 498(A) of the
I.P.C. for two years R.I. and fine of Rs.1000/- and in default of

fine, one month simple imprisonment and for the offence under Section 4 of Dowry Prohibition Act for six months simple imprisonment and fine of Rs.500/- and in default of fine one month simple imprisonment and both the sentences were directed to run concurrently.

Counsel for the petitioner submits that it is out and out false a case as the informant, (private opposite party) who was herself not interested to reside with her husband (petitioner), lived only for seven days after marriage and thereafter, returned back to her *Maika*. Counsel submits that in the small span of seven days, the story of torture may not be accepted and, therefore, the entire story is false.

Counsel for the State submits that this is a case in which full fledged of trial took place. In the trial, petitioner was convicted against which he has preferred appeal. The matter was remanded back to the Trial Court to pass order afresh, thereafter, this Court has passed order afresh and conviction order passed, then the petitioner has preferred Cr. Appeal No. 22 of 2009 (CIS No. 22 of 2019) which was dismissed, against which present criminal revision application has been filed. Cr. Appeal No. 22 of 2009 was dismissed on merit and the order of conviction was affirmed. Counsel submits that the petitioner is not in a position

to show before the Court the point of legality, correctness and propriety, therefore, this case is fit to be dismissed.

Upon going through the arguments and the pleas of the parties, it is very much clear to this Court that Court at the time of hearing criminal revision has to test only legality, correctness and propriety, on the rest factual matrix, the order of conviction has been affirmed at two Courts *i.e.* Original Court and Appellate Court.

The query has directly made before the counsel for the petitioner who has not raised any question of legality, correctness and propriety but he repeatedly submits that the wife resided with husband only for seven days and just in seven days, there is no question of torture, therefore, the case is false.

In the opinion of the Court, this case has been decided after taking evidences (examination and cross-examination) of parties and conviction was affirmed up to the appellate level also.

In these facts and circumstances, this Court is not inclined to interfere in the judgment and sentence dated 30.11.2021 passed by the learned Additional Sessions Judge-VIth, Madhepura in Cr. Appeal No. 22 of 2019 by which the judgment of conviction and sentence dated 06.05.2019 passed

by the S.D.J.M. Udakishunganj in G.R. Case No. 7 of 2008 arising out of Puraini P.S. Case No. 01 of 2008 (Trial No. 01 of 2014) and, therefore, this criminal revision application is hereby dismissed.

(Dr. Anshuman, J.)

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