

CRR 810 of 2004

In the matter of : Amir Ali Mia

Mr. Anindya Ghosh
Mr. Sudip Guha ... for the petitioner

This criminal revision challenges the judgement passed by the Additional Sessions Judge, Fast, 2nd Track Court, Cooch Behar in Criminal Appeal No. 34 of 2001 thereby affirming the judgement and order of conviction and sentence passed by the learned Sub-Divisional Judicial Magistrate, Sadar, Cooch Behar in G.R. Case 17 of 1999. The appellant was found guilty to the charge under Sections 498A / 324 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-.

Mr. Ghosh, learned counsel appearing on behalf of the petitioner submits that the petitioner and the victim Aysa Bibi are the husband and wife. She was assaulted by her husband perhaps on a spur of moment and she informed police. Her husband was rounded up by police. He spent fifteen days in custody during investigation and as convicted he spent more or less three months in custody. However, they have settled their dispute amicably and have been staying together as man and wife since last five years.

I have perused the judgement impugned. The victim proved the allegations against her husband. There is nothing to impeach

the credibility of P.W.1 the victim lady. Therefore, order of conviction, in my view, does not warrant interference.

However, taking into consideration that the appellant and the de facto complainant have resumed their conjugal right and have been staying together, I am inclined to interfere with the sentencing part. In the given facts and circumstances, ends of justice would be met if the appellant is sentenced to suffer imprisonment for the period already undergone and to pay a sum of Rs.5,000/- to the victim within two weeks.

With this observation, the criminal revision is disposed of along with application, if any.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)