

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.116 of 2024

Arising Out of PS. Case No.-733 Year-2016 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Shamshad Ansari Son of Muslim Ansari Resident of Village - Muralipur, P.S.-
Shiv Sagar, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Razia Praveen @ Reshma Wife of Shamshad Ansari Son of Muslim Ansari,
Resident of Village- Muralipur, P.S.- Shiv Sagar, District- Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rashunandan Kumar Singh
For the Respondent/s	:	Mr. Pranav Kumar, APP
		Mr. Babu Nandan Prasad

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 09-09-2024

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. This revision petition has been preferred by the petitioner/accused being aggrieved with the judgment dated 14.12.2023 passed by the Additional District and Sessions Judge-19, Rohtas at Sasaram in Cr. Appeal No. 63 of 2022, whereby and whereunder the learned Appellate Court upon conviction of the applicant/accused for the offence punishable under Section 498A of the Indian Penal Code, which has been imposed by the A.C.J.M.-II, Sasaram Rohtas in connection with Complaint Case No. 733 of 2016.



3. A complaint case was filed by the complainant before the learned Court of A.C.J.M., *inter alia* on the ground that the marriage of the complainant as well as petitioner was solemnized on 17.06.2014 as per *Muslim* rites. According to the contents of the complainant, after the marriage, complainant was ousted by the accused/applicant on the ground of demand of dowry.

4. On the basis of the said complaint, cognizance has been taken by the Court of A.C.J.M., and after conclusion of trial, the learned Court of A.C.J.M., convicted the applicant for the offence punishable under Section 498A of the Indian Penal Code and sentenced him to undergo R.I. for one year and six months with a fine of Rs. 5000/-. Being aggrieved with the said judgment of conviction, the appeal has been preferred by the applicant before the learned Appellate Court. The learned Appellate Court vide impugned order dated 14.12.2023 affirmed the said order of conviction as well as the sentence as imposed by the learned A.C.J.M. Hence, this revision petition.

5. During course of argument, it is submitted by learned counsel for the petitioner/accused that as of now, both the parties have settled their matter and as per the agreement arrived between both the parties, today the petitioner/accused is



handed over a demand draft of Rs. 3 Lakhs to the learned counsel appearing on behalf of the opposite party no.2/wife.

6. The above contention made by the learned counsel for the petitioner is also accepted by the learned counsel for the opposite party no.2/wife.

7. It is further submitted by learned counsel for the petitioner that since both the parties have settled their matter and during course of trial, the applicant/accused has already undergone about four months fifteen days in custody, it is prayed by him that he may be sentenced already undergone by him in this case.

8. The above prayer made by the learned counsel for the petitioner is not opposed by the learned appearing on behalf of the opposite party no.2/wife.

9. Considering the above submissions made by both the learned counsels and further considering the fact that both the parties have settled their matter as well as further considering the fact that the petitioner has already undergone about four months and fifteen days in custody in this case, it would be appropriate while affirming the judgment of the Appellate Court as well as the Court of A.C.J.M., the applicant/accused may be sentenced already undergone.



10. Ordered accordingly.

11. Since Rs. 3 lakhs has already provided through demand draft to the learned counsel for the opposite party no.2/wife by the petitioner, the part of sentence regarding depositing the fine as imposed by both the Court below is set aside.

12. Accordingly, the revision petition is disposed of with the above modification in the sentence.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2024
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