

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.220 of 2019

Arising Out of PS. Case No.-113 Year-2011 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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ARCHNA KUMARI, Wife of Uma Shankar Prasad, Resident of village -Mundipur, P.S.-Ekangarsarai, O.P. Aungari, District-Nalanda, At Present, D/O Siya Sharan Prasad, Resident of Kathanpura, P.S.-Noorsarai, District-Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Uma Shankar Prasad, Son of Chandeshwar Prasad, Resident of village -Mundipur, P.S. Ekangarsarai, O.P. Aungari, district-Nalanda at present Railway Awas, Nurse Colony 1531 Type, P.S.-G.R.P. District-Ratlam, State Madhya Pradesh

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Prasad, Advocate
For the Respondent/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 06-02-2024 The instant Revision is directed against a judgement passed by the learned Additional Sessions Judge, VIIth Court, Nalanda at Biharsarif in Criminal Appeal No. 53 of 2017, against the order and judgement of conviction and sentence passed by the learned SDJM, Nalanda at Biharsarif in Cr. No. 113(C) of 2011 on 18th of October, 2017, convicting the accused/opposite party for committing offence under Section 498A of the IPC and sentencing him to suffer rigorous imprisonment of one year with fine of Rs. 2,000/-.

2. The order passed by the learned SDJM, Nalanda, at



Biharsarif in the above-mentioned complaint case was set aside by the Court of Appeal and the accused was acquitted of the charge.

3. The learned Advocate for the petitioner submits that he has no grievance against the impugned order passed by the learned Additional Sessions Judge, VIIth Court Nalanda at Biharsarif, in Criminal Appeal No. 53 of 2017. However, the petitioner wants to live with her husband, Opposite Party No. 2 herein.

4. Having heard the learned Advocates for the petitioner and the Opposite Party and on careful perusal of the entire material on record, this Court is of the view that the prayer made by the petitioner cannot be decided in the instant Revision. It is the scope of the instant Revision to consider the legality, validity and propriety of the order passed in Criminal Appeal No. 53 of 2017. When the petitioner has no grievance against the judgement passed in the said appeal, on the other hand, the learned Advocate submits that the petitioner wants to stay with her husband in her matrimonial home, this Court is not in a position to decide such issue.

5. In view of such circumstances, the instant Revision is dismissed on contest.



6. However, the petitioner is at liberty to raise his claim before appropriate forum, if law permits.

(Bibek Chaudhuri, J)

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