

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 805 of 2019

Arising Out of PS. Case No.-2 Year-2013 Thana- MAHILA P.S District- West Champaran

Ramprit Manjhi, Son Of Late Khudi Manjhi @ Dukhi Manjhi, Resident Of
Village- Ekderwa, Police Station - Bagaha, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner	:	Mr. Bashishtha Narayan Mishra, Advocate Mr. Brij Kishor Mishra, Advocate Mr. Sachida Nand Rai, Advocate Mr. Avinash Raj, Advocate
For the State	:	Mr. Upendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 28-11-2024 The present Revision Petition has been preferred by the Petitioner against the impugned judgment dated 14.05.2019 passed by learned Additional Sessions Judge-II, Bettiah at West Champaran, in Cr. App No. 56 of 2018, whereby learned Appellate Court has upheld the Judgment and order of sentence both dated 11.09.2018, whereby the Petitioner was found guilty under Section 323 and 354 of the Indian Penal Code. The Petitioner has been sentenced to undergo imprisonment for two years under Section 354 and imprisonment for one year under Section 323 IPC. Both the sentence is directed to run concurrently.

2. The prosecution case as emerging from the written report is that the Informant/lady was subjected to outraging of



modesty and on resistance, she was also assaulted by sugarcane by the Petitioner.

3. On the basis of the written report, Mahila P.S. Case No. 02. of 2013 was registered on 12.01.2013 against the sole Petitioner for the offence punishable under Section 341,323, 504, 376 read with Section 511 and 379 of the Indian Penal Code. However, after investigation, charge-sheet was submitted against the Petitioner only under Section 341, 323, 354 and 504 IPC. After cognizance, charge was also framed under Section 341, 323, 354 and 504 Indian Penal Code.

4. During trial, altogether six witnesses were examined on behalf of the prosecution.

(i) P.W.-1: Rajendra Ram.

(ii) P.W.-2: Badhu Ram.

(iii) P.W.-3: Kishore Ram.

(iv) P.W.-4: Sunaina Devi is the informant of the case.

(v) P.W.-5 : Sumna Pandey

(vi) P.W.6: Dr. Ashok Prasad Tiwari, who has examined the injury of the victim.

5. After trial, learned Trial Court has found the charge proved under Section 323 and 354 IPC. Even learned Appellate Court found no fault in the judgment of conviction and order of



sentence passed by learned Trial Court. Hence, the present petition has been preferred by the Petitioner.

6. I heard learned counsel for the Petitioner and learned APP for the State.

7. Learned counsel for the Petitioner submits that the impugned order is not sustainable in the eye of law because learned Appellate Court below has erroneously upheld the judgment of conviction and order of sentence passed by learned Trial Court without proper appreciation of the evidence on record. Learned Appellate Court has committed not only error of law but even there is perversity of finding in the impugned judgment.

8. I considered the submissions advanced by both the parties and perused the material on record.

9. After perusal of the evidence on record and judgments of learned Appellate Court and Trial Court, I find that there is no error in appreciation of the evidence and perversity of finding in their judgments. I find that the Informant/P.W.4 has clearly supported the prosecution case and her evidence was corroborated by medical evidence of P.W.-6, Dr. Ashok Prasad Tiwari. The prosecution case has been also supported by P.W.-3, Kishore Ram.



10. Hence, the Petitioner has been rightly convicted under Section 323 and 354 of the IPC. However, on the point of sentence, I find that the Petitioner may be given benefit of Section 4 of the Probation of Offenders Act, because the offence for which he has been convicted, is punishable only up to three years and the present offence is the first offence of the Petitioner and all along he has maintained good conduct subsequent to the present case.

11. Accordingly, the Petitioner is directed to enter into a bond without any surety to appear and receive sentence when called upon during two years from today and in the meantime, he is directed to keep peace and be of good behaviour. After entering into this bond, he would be discharged from his liabilities under his bail bond.

12. However, in view of Section 5 of the Probation of Offenders Act, the victim is entitled to get compensation from the Petitioner. Hence, the Petitioner/Ramprit Manjhi is directed to pay Rs. 15,000/- to the victim towards compensation.

13. The petition is disposed of accordingly.

(Jitendra Kumar, J.)

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