

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.584 of 2024

Arising Out of PS. Case No.-22 Year-1997 Thana- JOKIHAT District- Araria

Md Razzaque @ Md Rajjaque @ Rajjak S/o Late Wazuddin R/o vill - Chakai
Milik Tola ward no. 12, P.S. - Jokihat, Distt. - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Jumairan Khatoon W/o Suleman R/o vill - Chakai, Milik Tola, P.S. -
Jokihat, Distt. - Araria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md Ziaul Quamar, Adv.
For the Respondent/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 04-12-2024

I.A. No. 01 of 2024

This application has been filed for condonation of delay in filing the revision application which is barred by 14 years and 2 months.

2. Heard.

3. Considering the submission made by the counsel for the petitioner and further considering the reasons stated in the application, particularly considering the fact that the applicant is in custody since 29.03.2024 and was not aware about the judgment passed by the Appellate Court, delay in filing the appeal is condoned.

4. Interlocutory Application stands allowed.



Cr. Rev 584 of 2024

With the consent of both the counsels appearing for both the parties, heard finally.

2. This revision petition has been preferred by the petitioner being aggrieved with the judgment dated 15.05.2010 passed by the learned Additional Session Judge-Fast Tract Court No. - IV, Araria in Criminal Appeal No. 12/33 of 2003, T.R. No. 29 of 2008 whereby and whereunder, the learned Appellate Court affirmed the order of conviction passed by Sub Divisional Judicial Magistrate, Araria passed in Jokihat P.S. Case N. 22 of 1997, G.R. No. 234 of 1997, T.R. No. 1078 of 2003 and convicted the applicant for the offences under Sections 323, 325, 342 and 354 of IPC and sentenced him to undergo rigorous imprisonment of 6 months, 2 years, 6 months and one year respectively.

3. According to the case of prosecution on 22.02.1997 a written report has been filed by the informant Md. Zumairan Khatoon stating that on the date of incident a dispute had taken place between applicant and the informant and allegedly the applicant assaulted her with fists and slaps and also moved her left hand ring finger for which she sustained injury on her left hand ring finger.



4. On the basis of said report offences has been registered against the petitioner and after completion of investigation charge-sheet was filed before the concerned Trial Court. The Trial Court framed the charges and after conclusion of trial convicted the applicant for the offences punishable under Section 323, 325, 342 and 354 of IPC and sentenced him rigorous imprisonment for six months, two years, six months and one year respectively. However, the Trial Court acquitted the applicant for the offence punishable under Section 379 of IPC. The applicant being aggrieved with the said judgment of conviction, appeal has been preferred by the petitioner herein. The Appellate Court vide impugned judgment dated 15.05.2010 rejected the appeal and affirmed the judgment of conviction passed by the learned SDJM. Hence, this revision petition has been preferred by the petitioner.

4. Counsel for petitioner submits that he does not want to argue this matter on merits and confine his argument only on the sentence part. He submit that as of now, the applicant is aged about 66 years, and is facing this *lis* from the last 27 years i.e. 1997. He has no any criminal antecedent and he is in custody since 29.03.2024. Therefore, it is prayed by the counsel that the applicant may be sentenced for the aforesaid



alleged offences as already undergone by him in this case.

5. Learned counsel for the respondent-State opposes the prayer made by the counsel for the petitioner and submit that considering the gravity of the offences the Trial Court has rightly passed the sentence which does not warrant any interference.

6. Heard both the counsels appearing for both the parties, perused both the judgment passed by the Trial Court as well as the Appellate Court.

7. Considering the submission made by the counsel and further considering the fact that the applicant is in jail since 29.03.2024 i.e. near about 9 months and has no any previous antecedent and further considering the fact that he is facing this *lis* from the last 27 years. I am of the view that while affirming the conviction of the applicant as imposed by the Trial Court as well as the Appellate Court, he may be sentenced as already undergone by him.

8. Order accordingly.

9. Applicant be released from jail forthwith not required in any other case.

10. Copy of the Order be sent to the concerned Trial Court to do the needful.



11. Accordingly, this revision petition is disposed of.

(Arvind Singh Chandel , J)

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