

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.669 of 2023**

Arising Out of PS. Case No.-61 Year-2015 Thana- MASHRAK District- Saran

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JAI KUMAR SINGH SON OF LATE LALAN @ LATE LALLAN SINGH
RESIDENT OF VILLAGE -HARPUR JAN, P.S. - MASHRAKH, DISTRICT
-SARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. GURIYA DEVI D/O. TARKESHWAR SINGH RESIDENT OF VILLAGE -
DEODHI, P.S. - TARIYA, DISTRICT - SARAN

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh
For the Respondent/s : Mr. Choubey Jawahar

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT**

Date : 02-12-2024

With the consent of both the parties heard finally.

2. This revision petition has been preferred by the petitioner (accused) being aggrieved with the judgment dated 08.05.2023 passed by the 5th Additional Sessions Judge, Saran at Chapra in Cr. Appeal No. 48 of 2018, whereby and whereunder the learned Appellate Court affirmed the judgment passed by the learned S.D.J.M., Saran at Chapra in Trial No. 1821 of 2018 whereby the learned Trial Court convicted the applicant for the offence under Sections 323, 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. According to the case of prosecution, marriage



of the informant Guriya Kumari has been solemnized with the present applicant on 27.05.2013 according to the Hindu Customs and Rights. Allegedly after sometimes of marriage, the present applicant along with other family members started torture the informant on account of demand of dowry. On various occasions, she informed her parents regarding ill treatment given by the petitioner and other family members. When father of the informant tried to settle the matter, the applicant and other family members also ill treated with him and thereafter, they ousted the informant Guriya Kumari.

4. On the basis of the complaint made the informant Guriya Kumari, offence under Sections 323, 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act has been registered against the applicant as well as other accused persons. After completion of investigation, charge-sheet was filed. The Trial Court framed the charges and after conclusion of trial, the Trial Court convicted the applicant for the offence punishable under Sections 498A, 323 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and sentenced him rigorous imprisonment for 3 years, 6 months and 2 years respectively with fine and default stipulation.

5. The said judgment of conviction has been



assailed by the applicant before the learned Additional Sessions Judge. The learned 5th Additional Sessions Judge, Saran at Chapra also affirmed the conviction, however, reduced the sentence from three years to two and half years. Hence, this revision petition has been preferred by the petitioner-applicant.

6. Learned counsel for the petitioner submits that he does not want to argue this matter on merits and confine his arguments only on the sentence part. He further submits that the applicant is presently aged about 31 years. He has no criminal antecedent and he is in jail since 28.08.2023. He further submits that the applicant is facing this *lis* from the year 2015. Thus, it is prayed by the learned counsel that jail sentence awarded to the applicant may be reduced to the period already undergone by him.

7. *Per contra*, the learned counsel for the State supported the impugned judgment and submits that the sentence awarded by the Trial Court is just and proper and requires no interference.

8. Heard both the counsels and perused the impugned judgment as well as other materials available on record.

9. Considering the submissions put forth by both



the counsels and further considering the fact that the applicant is facing this *lis* from the last 9 years and is aged about 31 years, having behind his family and has already undergone about 13 months in this case in jail, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the applicant, the jail sentenced awarded to him is reduced to the period already undergone by him.

10. Consequently, the appeal is partly allowed. The convection of the applicant under the aforesaid sentence is affirmed and he is sentenced to the period already undergone by him. The fine sentence is affirmed.

11. The applicant-petitioner shall be released forthwith, if not wanted in any other case

12. Records of the Court below be sent back along with a copy of the order forthwith for information and necessary compliance.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2024
Transmission Date	03.12.2024

