

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.642 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Nalanda

Hari Prasad Son Of Late Dulli Mahto Resident Of Village- Bharaopar, Ps-
Laheri, Distt- Nalanda, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi Wife Of Hari Prasad Resident Of Village- Bharaopar, Ps-
Laheri, Distt- Nalanda, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajendra Narayan, Sr.Adv. Mr.Raj Kishore Prasad, Adv.
For the State	:	Mr.Tapeshwar Sharma, APP
For the O.P. No. 2	:	Mr.Anil Kumar, Adv. Mr.Pramanand Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 18-10-2024 With the consent of counsel for both the parties, heard
finally.

2. This revision petition has been preferred by the applicant (accused) being aggrieved with the judgment dated 05.06.2023 passed by learned 1st Additional District and Sessions Judge, Nalanda, Bihar Sharif in Cr. Appeal No. 53/2018 whereby and whereunder the learned Appellate Court affirmed the judgment of conviction and sentence of learned ACJM-1st, Nalanda, Bihar Sharif in Case No. 46C/1992 whereby the applicant has been convicted for the offences punishable under Sections 498A and 494 of I.P.C. and sentenced three years-three



years of rigorous imprisonment and fine of Rs. 1000/-1000/- for both the offences in default of payment of fine further one month of simple imprisonment for both the offences.

3. A complaint case has been filed by the O.P.-wife before the concerned Magistrate and on the basis of the said complaint, cognizance was taken by the concerned Magistrate for the offence punishable under Sections 498A and 494 of I.P.C. Subsequently charges were also framed and after conclusion of trial, learned ACJM-1st, Nalanda, Bihar Sharif, vide its judgment dated 27.07.2018 convicted the applicant- Hari Prasad for the offences punishable under Sections 498A and 494 of I.P.C. and sentenced him as mentioned in Para '2' of this judgement. However, Bhupat Prasad has been convicted by the Trial Court.

4. Being aggrieved with the said judgment of conviction, an appeal has been preferred by the Hari Prasad (petitioner). Learned Appellate Court vide its impugned order and judgment dated 05.06.2023 affirmed the judgment passed by learned ACJM-1st, Nalanda, Bihar Sharif. Hence, this revision petition is being preferred by the applicant- Hari Prasad.

5. Learned counsel for the applicant submits that he does not want to argue the matter on merit and confined his



argument on sentence part only. He submits that the complaint case was filed in the year of 1992 and the judgment of conviction has been passed by the learned ACJM -1st in the year 2018 and the Appellate Court passed the judgment in the year 2023, meaning thereby, the petitioner/ applicant is already facing this *lis* from last 31 years. He further submits that as of now the applicant/ petitioner is aged about 73 years. During the course of trial, he has remained in jail for about 3 months and after the judgment passed by the learned Appellate Court, he has remained in jail from 06 September, 2024, thereby, he has already completed near about four and half months in jail. Therefore, it is prayed by the learned counsel for the petitioner that considering the above submission it will be appropriate that the jail sentence awarded to the appellant may be reduced to the the period already undergone by him.

6. Learned counsel for the State opposes the argument raised by learned counsel for the petitioner.

7. Considering the above facts and circumstances of the case, particularly considering the fact that the petitioner is facing this *lis* from the last 31 years and further considering the fact that he has already undergone about four and half months in jail and he has no any other criminal antecedent, therefore, 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.

8. Consequently, the revision petition is partly allowed. The conviction of the applicant under the aforementioned section is affirmed and he is sentenced to the period already undergone by him. The fine sentence is affirmed.

9. The applicant/ accused be released immediately, if he is not required in any other case.

10. Records of the Trial Court be sent back alongwith a copy of this order forthwith for information and necessary compliance.

(Arvind Singh Chandel , J)

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