

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1122 of 2018

Arising Out of PS. Case No.-160 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Ajay Kumar Pandit S/o Paras Pandit @ Paras Nath Prasad, R/o Matiyariya
Tola Pipra, PS.- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

State Of Bihar and Anr.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar No 2
For the O.P. No.2	:	Mr. Umesh Chandra Verma, Advocate
		Mr. Hemant Ray, Advocate
For the State	:	Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 15-02-2024 Having heard the learned Advocates for the parties

and on careful perusal of the impugned judgment passed by the

learned S.D.J.M. East Champaran, Motihari on 6th February,

2018 in Complaint Case No. 160 of 2016, Tr. No. 1459 of 2018

convicting and sentencing the petitioner to undergo rigorous

imprisonment of 2 years and fine of Rs. 5,000/-, in default of

payment of fine, further simple imprisonment for 2 months

under Section 498A of the Indian Penal Code and under Section

4 of the Dowry Prohibition Act to undergo rigorous

imprisonment for 6 months and fine of Rs. 6,000/-, in default

simple imprisonment for 1 month. The said order of conviction

and sentence was affirmed by the learned Additional Sessions

Judge, 13th Court, East Champaran at Motihari in Criminal



Appeal No. 9 of 2018. This laid the petitioner to file the instant Revision.

2. It is submitted by the learned Advocate for the petitioner without going into the merit of the instant Revision that the petitioner being the husband of the complainant has suffered incarceration for a period of 1 year, 6 months and 8 days during trial and Appeal. Considering the period of custody, the learned Advocate for the petitioner has prayed for reducing the sentence of imprisonment and pass an order lating of the petitioner from the rigorous of further imprisonment.

3. I have heard the learned Advocate for the petitioner as well as the respondent.

4. The period of imprisonment under Section 498A of the Indian Penal Code be reduced to 1 year and 6 months against the petitioner. Period of imprisonment for the offence under Section 4 of the Dowry Prohibition Act shall remain the same. The substantive sentence of imprisonment shall run concurrently.

5. In view of being in judicial custody for such long time, sentence of payment of fine be recalled.

6. The period of incarceration by the petitioner be set up against the actual punishment for imprisonment.



7. The parties are at liberty to act on the server
copy of the order.

(Bibek Chaudhuri, J)

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