

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.32 of 2024

Arising Out of PS. Case No.-193 Year-2004 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Raj Kumar Choudhary S/O Butai Choudhary R/O Village- Rauna Bazar, P.S- Belaganj In The Distt.- Gaya.
 2. Butai Choudhary S/O Late Lakhu Choudhary R/O Village- Rauna Bazar, P.S- Belaganj In The Distt.- Gaya.
 3. Lalmuni Devi @ Parvati Devi W/O Butai Choudhary R/O Village- Rauna Bazar, P.S- Belaganj In The Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Phul Kumari Devi W/O Raj Kumar Choudhary R/O Village- Rauna, P.S- Belaganj, Distt.- Gaya At Present Resident Of Village- Nidwa, P.S- Kurtha , Distt.- Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Braj Nandan Kumar Tiwary, Advocate
For the State	:	Mr.Ganesh Prasad Singh, APP
For the O.P. No. 2	:	Mr.Bijoy Kant Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

4 08-08-2024

Interlocutory Application No. 01 of 2024

For the reasons assigned in the application and the submissions advanced on behalf of the parties, this application is allowed. The delay in filing this revision petition, which is barred by 7 years 11 months, is hereby condoned.

2 The interlocutory application stands allowed.



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3 With the consent of both the parties, heard finally.

4 During the course of argument, it is submitted by learned counsel for the petitioners that as of now, petitioner no. 3 namely Lalmuni Devi @ Parvati Devi has already completed her entire sentence and released from jail, therefore, now, he does not want to press this petition with regard to petitioner no. 3.

5 This revision petition has been preferred by the applicants/accused persons being aggrieved with the judgment dated 23.01.2016 passed by learned A.D.J. 1st Jehanabad in Cr. Appeal No. 11/2010|6/2011 whereby the learned Sessions Judge affirmed the judgment of conviction and sentence of the applicants dated 20.04.2010.

6 The petitioner no. 1 herein is the husband of Phul Kumari Devi (O.P. No. 2). The marriage of Phul Kumari Devi (O.P. No. 2) and petitioner no. 1 was solemnized on 07.03.2002. The complaint case was filed by O.P. No. 2 before the learned court below for the alleged offence under Section 498-A of the I.P.C. against the



petitioner no. 1 and other accused persons. Learned S.D.J.M., Jehanabad took cognizance and after taking cognizance charges were framed. After conclusion of trial, the learned S.D.J.M., Jehanabad convicted the petitioners for the offences punishable under Section 498-A of the I.P.C. Learned S.D.J.M., Jehanabad sentenced petitioner no. 1 to under rigorous imprisonment for two years with fine of Rs. 5,000/- and to further serve sentence for four months, the petitioner no. 2 and petitioner no. 3 to undergo simple imprisonment for one year each with fine of Rs. 2,000/- each.

7 Being aggrieved with the judgment of the learned S.D.J.M., Jehanabad, the petitioners preferred an appeal before the learned Appellate Court. The learned Appellate Court vide its judgment dated 23.01.2016 also affirmed the order of conviction and sentence imposed by the learned S.D.J.M., Jehanabad. Thus, this revision petition has been preferred.

8 Learned counsel for the petitioners submits that he does not want to argue this revision petition on merits and confined his arguments only on the sentence part.



9 Learned counsel further submits that as of now, applicant no. 1 is aged about 40 years and applicant no. 2 is aged about 60 years. They have no criminal antecedent. Learned counsel further submits that the petitioners are facing this *lis* from 2004, i.e., for the last 18 years. Petitioner no. 2 has already undergone a period of 8 months 16 days out of one year sentence imposed upon him by the learned court below and petitioner no. 1 has also undergone about one year 16 days in jail. Therefore, learned counsel for the petitioners prays that both the petitioner nos. 1 and 2 may be sentenced as already undergone by them in this case.

10 Learned counsel for O.P. No. 2 does not oppose the prayer made by learned counsel for the petitioners.

11 Considering the above submission made by both the counsels and further considering the fact that both the petitioners i.e. petitioner nos. 1 and 2 are facing this *lis* from the last 18 years and they have no criminal antecedent and further considering the fact that petitioner no. 1 has already undergone for about one year and 16 days in jail and petitioner no. 2 has also undergone for about 8 months and 16 days respectively in jail in this case, therefore, it



would be appropriate to sentence them as already undergone by them in this case. I order accordingly. However, the fine sentence imposed upon them by the learned Trial Court will remain intact.

12 Accordingly, this revision petition is disposed of as indicated hereinabove.

13 Let a copy of this order be communicated to the learned court below to do the needful.

(Arvind Singh Chandel, J)

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