

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.57 of 2025

Arising Out of PS. Case No.-133 Year-2009 Thana- BIND District- Nalanda

Rishi Ram @ Rishi Kumar, S/O Anil Ram, resident of Village- Bind, P.S.- Bind, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabha Mishra, Advocate
		Mr. Madhav Kumar, Advocate
For the Respondent/s	:	Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 08-09-2025

Heard learned counsel for the petitioner and learned counsel for the State.

2. The instant criminal revision has been preferred by the petitioner against the judgment of conviction and order of sentence dated 28.11.2023 passed by the learned Additional Sessions Judge-1-cum-Special Judge, Bihar Sharif, Nalanda in Criminal Appeal No.79 of 2018 arising out of Bind P.S. Case No. 133 of 2009 whereby and whereunder the judgment of conviction and order of sentence dated 01.12.2018 passed by the learned Additional Chief Judicial Magistrate-VI, Nalanda at Bihar Sharif has been affirmed by which the petitioner has been convicted for the offences punishable under Sections



509 & 504 IPC and has been sentenced to undergo simple imprisonment for one year with fine under Section 509 IPC and further has been sentenced to undergo simple imprisonment for six months with fine under Section 504 IPC and it has been ordered that both the sentences were run concurrently, has been affirmed.

3. As per prosecution case, on 09.11.2009, when the informant was returning from her tuition class with her friends, the accused petitioner asked the informant to go fishing and take a bath in the water with him and on her refusal, the petitioner misbehaved with her.

4. The learned counsel for the petitioner submits that the impugned judgment of conviction and order of sentence is bad in law as well as on facts. The FIR has been lodged after a delay of one day without any satisfactory explanation. There is material contradiction in the evidence of prosecution witnesses. Only six prosecution witnesses have been examined, though altogether ten witnesses were named in the charge sheet. But four witnesses were not examined and no material has come up on record for showing why four witnesses were not examined. Further, the investigating officer has also not been examined. All the prosecution



witnesses are students and close friends, who used to attend the school and tuition class together and are highly interested witnesses and this fact was not considered by the both courts below. The learned counsel further submits that two witnesses turned hostile, but the learned trial court ignored their deposition and did not consider that these witnesses have not named the petitioner for committing any offence as charged for. The learned counsel further submits that there is no independent witness to support the prosecution case except for the interested witnesses. The learned trial court did not examine the evidence of the witnesses minutely and come to an erroneous finding and hence, the judgment of conviction and order of sentence passed by the courts below are not sustainable. The learned counsel further submits that the petitioner is in custody since 30.11.2024, i.e. for more than nine months. The petitioner is facing this *lis* from the year 2009. He has no criminal antecedent. Therefore, it is prayed by the learned counsel that the judgments and orders of the learned courts below may be set aside and the revision petition may be allowed. If the Court is not inclined, then in that case the sentence awarded to the petitioner may be reduced to the period already undergone by him.



5. Perused the record.

6. From perusal of record, I find that the learned trial court has considered in detail the evidence of witnesses including the evidence of hostile witnesses and so the learned first appellate court. The evidence of the witnesses have been discussed and these orders were passed. Submission of the petitioner that the evidence of all witnesses were not taken into account while passing the judgments of conviction and orders of sentence by the learned trial court as well as learned appellate court is not supported with facts. Further, the learned first appellate court also considered the grounds which are being raised before this Court while disposing of the appeal and, therefore, the petitioner cannot be allowed to re-agitate the matter again in this revision petition. If the facts were appreciated in the light of the evidence and two subordinate courts recorded a concurrent finding, there is very little scope for this Court to interfere in the matter in revision.

7. Having regard to the facts and circumstances and considering the fact that the petitioner has already undergone nine months of incarceration in this case and further considering the fact that he has no criminal antecedent and he is facing this *lis* from the last 16 years, I am of the view that the ends of



justice would be met if, while upholding the conviction imposed upon the petitioner, the sentence awarded to him is reduced to the period already undergone by him.

8. Consequently, the conviction of the petitioner under the aforesaid sections is affirmed and he is sentenced to the period already undergone by him. The fine sentence is affirmed.

9. Accordingly, this revision petition is partly allowed.

10. Let the petitioner be released forthwith, if he is not required in any other case.

11. Office is directed to remit back the LCR to the court concerned immediately.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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