

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1412 of 2019

Arising Out of PS. Case No.-108 Year-2009 Thana- SUPAUL District- Supaul

Rekha Devi @ Rekha Kumari, Daughter of Gopal Mandal, Resident of Ward
No. 12, Dhobitola, P.S. and District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar Rai S/o Prithawi Chandra Rai Resident of Mohanpur, P.S.-
Simri Bakhtiyarpur, District- Saharsa.
3. Prithawi Chandra Rai S/o Late Raghu Nandan Rai Resident of Mohanpur,
P.S.- Simri Bakhtiyarpur, District- Saharsa.
4. Bhulari Devi W/o Prithawi Chandra Rai Resident of Mohanpur, P.S.- Simri
Bakhtiyarpur, District- Saharsa.
5. Sudharshan Rai S/o- Prithawi Chandra Rai Resident of Mohanpur, P.S.-
Simri Bakhtiyarpur, District- Saharsa.
6. Sarita Devi @ Sharita Devi W/o Sudarshan Rai Resident of Mohanpur, P.S.-
Simri Bakhtiyarpur, District- Saharsa.
7. Subhas Chandra Rai S/o Prithawi Chandra Rai Resident of Mohanpur, P.S.-
Simri Bakhtiyarpur, District- Saharsa.
8. Amod Kumar Rai S/o- Prithawi Chandra Rai Resident of Mohanpur, P.S.-
Simri Bakhtiyarpur, District- Saharsa.
9. Urmila Devi W/o Amod Kumar Rai Resident of Mohanpur, P.S.- Simri
Bakhtiyarpur, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate Mr. Murari Narain Choudhary, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the O.Ps.	:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

9 31-07-2025 The present Criminal Revision petition has been filed

against the impugned judgment of acquittal dated 17.08.2019,

passed by learned Sessions Judge, Supaul in Cr. Appeal No. 48

of 2018 and 02 of 2019, whereby learned Appellate Court below



has allowed the appeal, setting aside the judgment of conviction and order of sentence dated 05.12.2018, passed by learned S.D.J.M., Supaul in G.R. No. 489 of 2009, Trial No. 476 of 2018, whereby learned Trial Court, had found the petitioner guilty under Section 498A IPC and sentenced him to S.I. for three years and fine of Rs. 5,000/- and in case of default to pay the fine, to further undergo S.I. for one month.

2. The petitioner is informant and victim of the case who had filed Supaul P.S. Case No. 108 of 2009, against the O.P. Nos. 2 to 9 herein, for offence punishable under Section 498A IPC and Section 3/4 of D.P. Act.

3. This Court in **Suman Devi Vs. State of Bihar & Anr.** as reported in **2025 SCC Online Pat 1862/ MANU/BH/0406/2025/AIR Online 2025 PAT 224** has elaborately discussed the remedy available to the victim in case of acquittal and as per this judgment, this Court has held that the victim/petitioner has remedy to file Criminal Appeal to this Court under the Proviso to Section 372 Cr.PC without any leave or special leave. It has been further held that in view of Section 401(4) Cr.PC, Criminal Revision is not maintainable, because when remedy of Criminal Appeal is available, Criminal Revision is barred under Section 401(4) Cr.PC. However, under



Section 401 Cr.PC, this Court can convert the Criminal Revision into Criminal Appeal and treat the same accordingly and decide it on merit.

4. Accordingly, the present Criminal Revision petition is converted into Criminal Appeal.

5. Office is directed to do necessary correction in the Revision Petition as per law and list the Criminal Appeal before the appropriate Bench with permission of Hon'ble the Chief Justice.

(Jitendra Kumar, J)

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