

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.564 of 2025

Arising Out of PS. Case No.-6 Year-2005 Thana- SIKTI District- Araria

Shakir @ Sakir, Son of Usman @ Md. Usman, Resident of village- Kelabari,
Police station- Sikty District -Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arman Son of Shakir @ Sakir Resident of village- Kelabari, Police station-
Sikty District -Araria
3. Bibi Arshadi Khatoon Daughter of Shakir @ Sakir Resident of village-
Kelabari, Police station- Sikty District -Araria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate
For the Respondent/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 20-07-2026

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

2. The instant criminal revision has been preferred by
the petitioner against the judgment dated 09.01.2021 passed by
the learned Additional Sessions Judge-III, Araria, in Criminal
Appeal No. 25 of 2017, arising out of Sikty P.S. Case
No.06/2005, whereby and whereunder the judgment of
conviction and order of sentence dated 03.08.2017 passed by the
learned Sub-Divisional Judicial Magistrate, Araria, by which
the petitioner has been convicted for the offences punishable
under Section 498-A IPC and has been sentenced to undergo



simple imprisonment for three years with fine of Rs.4,000/- and in default of payment of fine, to suffer three months additional imprisonment and further the petitioner has been convicted under Section 323 IPC and has been sentenced to undergo simple imprisonment for six months and also the petitioner has been convicted under Section 4 of Dowry Prohibition Act and has been sentenced to undergo simple imprisonment for six months with fine of Rs.1,000/- and in default of payment of fine, to suffer one month additional imprisonment, has been affirmed.

3. As per prosecution case, the informant was married with the petitioner and out of this wedlock, she had given birth to a son and a daughter. At the time of marriage, the informant's parents gifted calf, watch, silver locket, cloths etc. The informant further stated that her husband (petitioner), mother-in-law, father-in-law, nephew of father-in-law demanded dowry in the form of one buffalo, one cycle and cash Rs. 20,000/- and said that only after fulfillment of demand of dowry, they would keep her. Thereafter, due to non-fulfillment of demand of dowry, her mother-in-law, father-in-law and husband ousted her from her marital home and since then she had been living in her parent's house. On the basis of aforesaid written report of the



informant, Sikty P.S. Case No. 06 of 2005 was registered under Sections 498A, 323, 341, 504 of the IPC and Section 3/4 of Dowry Prohibition Act. After completion of investigation, charge sheet has been submitted under the aforesaid sections. Thereafter, learned trial court took cognizance against the petitioner and other co-accused persons under the aforesaid sections. Charges were framed under Sections 341, 323, 504, 498A and Section 3/4 of DP Act to which the petitioner pleaded not guilty and claimed to be tried. After trial, the petitioner has been convicted and sentenced as mentioned here-in-before. Being aggrieved by the aforesaid judgment of conviction and order of sentence passed by the learned trial court, the petitioner filed criminal appeal before the learned appellate court, which has affirmed the judgment and order of the learned trial court. Thereafter, the petitioner has filed the present criminal revision assailing the orders of learned appellate court as well as learned trial court.

4. The learned counsel for the petitioner submits that the impugned judgments of conviction and orders of sentence are bad in law as well as on facts. The learned appellate court and the learned trial court failed to appreciate that there is no date of incident mentioned in the FIR. The P.W.2 and P.W. 3



have become hostile and P.W. 3, in his examination-in-chief, stated that he has no knowledge about the incident. P.W. 1 is the informant herself and merely on the testimony of single/sole witness (informant), the petitioner could not have been convicted. The learned counsel further submits that there is no medical evidence to show that the informant was ever tortured or treated with cruelty. Hence, the petitioner should have been acquitted from the charges levelled against him on this score alone. The learned counsel further submits that the learned trial court did not examine the evidence of the witnesses minutely and came to an erroneous finding and hence, the judgments of conviction and order of sentence passed by the courts below are not sustainable. Moreover, the petitioner has been punished much as he has been continuously facing the ordeal and miseries of the prolonged criminal proceeding against him for the last more than 21 years and since the informant of this case had died on 21.06.2013 and her son and daughter (opposite party nos. 2 & 3 herein) are living with the petitioner with full dignity and honour and they have no grievance against this petitioner and they are not willing to pursue the matter further, hence no useful purpose would be served to keep the petitioner behind the bar. The learned counsel further submits that the petitioner has



remained in custody for more than one year and three months. The petitioner is facing this *lis* from the year 2005. 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 and so the learned first appellate court. The evidence of the witnesses have been discussed and the impugned orders were passed. 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



more than one year and three 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 21 years, I am of the view that the ends of justice would be met if, while upholding the conviction of 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. Since the petitioner is in custody, he is directed to be released forthwith, if not wanted in any other case.

10. Accordingly, this revision petition is partly allowed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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