IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.930 of 2025

CNR No. BRHC010924762025

Arising Out of PS. Case No.-120 Year-2017 Thana- KAHALGAON District- Bhagalpur

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Murli Kumar @ Murlidhar Kumar, Son of Chandrabhanu Mandal, Resident of Village- Kodwar, P.S- Ghogha, District- Bhagalpur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Karuna Devi Wife of Nand Kishore Mandal Resident of Village- Kodwar Ps- Ghogha Dist- Bhagalpur

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Anupa Nand Jha, Advocate
For the State : Mr.Pramod Kumar Pandey, APP
For the O.P.No.2 : None.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 27-10-2026

Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State. However, there is no representation on behalf of opposite party no.2.

2. The instant criminal revision petition has been filed by the petitioner for setting aside the order/judgement dated 24.05.2019 passed in Criminal Appeal No. 55 of 2019 by the learned Additional Sessions Judge-I-cum-Special Judge (Children Court) Bhagalpur, whereby and whereunder the learned appellate court has affirmed the judgement and order

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dated 24.05.2019 passed by the learned Juvenile Justice Board, Bhagalpur in G.R. No. 1066 of 2017 arising out of Kahalgaon (Ghogha) P.S. Case No. 120 of 2017 in which the petitioner has been convicted for the offence under Section 376 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for two years.

3. Briefly stated facts of the case are that the informant/opposite party no. 2 instituted Kahalgaon (Ghogha) P.S. Case No. 120 of 2017 under Section 376 of the Indian Penal Code and Section 4 of POCSO Act with allegation that the informant had sent her daughter to maize field and on the way the petitioner forcibly dragged her in maize field and committed rape upon her.

4. Learned counsel for the petitioner submits that the impugned judgements of conviction and orders of sentence are bad in law as well as on facts. Learned counsel further submits that there is contradiction in the statement of the victim recorded under Section 164 Cr.P.C. and in her deposition. During trial, neither any independent witness was examined nor the father of

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the victim was examined. The conviction was recorded only on the basis of sole testimony of the victim. 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 9 years. 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 two months. The petitioner is facing this *lis* from the year 2017. 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.

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5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for setting aside the impugned order/judgment of conviction and submits that there is no infirmity in the impugned order/judgment of the learned trial Court.

6. Perused the record.

7. 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.

8. Having regard to the facts and circumstances and considering the fact that the petitioner has already undergone

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more than one year and two 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 9 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.

9. Consequently, the conviction of the petitioner under the aforesaid section is affirmed and he is sentenced to the period already undergone by him.

10. Since the petitioner is in custody, he is directed to be released forthwith, if not wanted in any other case.

11. Accordingly, the present revision petition stands disposed of.

12. Office is directed to return the lower court records forthwith.

(Arun Kumar Jha, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.10.2026
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