2026:JHHC:31884

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 82 of 2016

Arvind Lal Gupta, Son of Ram Ratan Sahu, Resident of Village – Kanchi, P.O. & P.S. – Bundu, District – Ranchi.

.... …. **Petitioner**

Versus

1. The State of Jharkhand
2. Smt. Bina Kumari Sahu, W/o Arbind Lal Gupta, R/o Village – I.B. Beshra Toli, NH-33, Bundu, P.O. & P.S. – Bundu, District – Ranchi, Jharkhand.

.... **Opp. Parties**

Coram: **HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

For the Petitioner : Mr. Vishal Kumar Tiwary, Advocate
Mr. Pravin Kumar, Advocate.
For the State : Mr. Sanjay Kumar Srivastava, A.P.P.
For the O.P. No. 2 : Mr. Faisal Khan, Advocate.
Mr. Ashutosh Ranjan, Advocate.

JUDGMENT

CAV On Dated- 01.09.2026 **Pronounced On 30.10.2026**

1. Heard learned counsel for the parties.

2. The instant criminal revision is directed against the judgment dated 04.01.2016 passed by learned Judicial Commissioner-II, Ranchi in Criminal Appeal No. 18 of 2012, whereby and whereunder the appeal filed by the petitioner has been dismissed, upholding the judgment of conviction and order of sentence dated 20.12.2011 passed by learned S.D.J.M., Khunti in G.R. No. 340 of 2004 (arising out of Bundu P.S. Case No. 48 of 2004), whereby the petitioner has been convicted for the offence under Section 498A of the I.P.C. and sentenced to undergo R.I. for 1 ½ years along with fine of Rs. 5,000/- with default stipulation.

Factual Matrix

3. Factual matrix giving rise to this revision is that about 10 years ago, the opposite party no. 2 / informant got married with Arvind Lal Gupta (petitioner), according to the Hindu rites and rituals and in the next year of her marriage, she gave birth of her first daughter and then after 03 years, she gave birth of her second daughter. After birth of second daughter, her husband, father-in-law, brother-in-law and other in-laws' persons also started harassing and torturing her. They asked her to bring money from her father and brother so that they could deposit Rs. 50 thousand in the name of each daughter in the form of fixed deposit, for their marriage. On many occasions, she took money from her father and brother in installments and gave the same to her in-laws, but in spite of the same, the torture and harassment did not stop. Her husband purchased a land in Bundu and thereafter constructed a house on the said land with the financial help of her father and brother. Thereafter, she along with her husband started living at Bundu. Her husband and other in-laws' persons used to abuse and beat her and also tried to kill her by pressing her neck. Her husband used to threaten her of getting second marriage. In the morning, on 13.07.2004, she was again beaten by her husband and told her that until she will bring Rs. 50,000/- from her parental home or otherwise leave her matrimonial house, he will not return home. Her husband also threatened to implicate her and her family members in false cases. On the basis of

the written report, Bundu P.S. Case No. 48/2004 was registered on 26.07.2004, under Sections 498A/34 of the I.P.C. against the four accused persons including the petitioner.

4. The charge of investigation was handed over to S.I. R.P. Paswan, who after investigation submitted charge-sheet under Section 498A/34 of the I.P.C. against the accused persons and accordingly, cognizance has been taken and thereafter, charges were framed for the offence under Sections 498A / 34 of the I.P.C. on 18.01.2007 against the accused persons, to which they pleaded not guilty and claimed to be tried.

5. In course of trial, the prosecution has examined altogether 06 witnesses namely,

P.W.-1	:	Gopal Prasad Sahu.
P.W.-2	:	Niraj Kumar.
P.W.-3	:	Laxmi Narayan Gupta.
P.W.-4	:	Smt. Bina Kumari Sahu (Informant).
P.W.-5	:	S.I. Gupteshwar Singh (I.O.)
P.W.-6	:	Digambar Mahato.

Apart from oral testimony of prosecution witnesses, following documentary evidences have been adduced:-

Exhibit-1 : Written complaint lodged by Smt. Bina Kumari Sahu.

6. On the other hand, no witness has been examined on behalf of defence, but the defence have adduced following documentary evidences :-

Exhibit-A – Certified copy of Bundu P.S. Case No. 95/09.

Exhibit-B – Certified copy of order dated 21.11.09 passed in Bundu P.S. Case No. 95/09 (G.R. No. 3718/09).

Exhibit-C – Certified copy of order dated 23.8.10.

Exhibit-D – Certified copy of charge dated 23.08.10.

Exhibit-E – Certified copy of charge sheet no. 129/09 dated 31.10.09 submitted in Bundu P.S. Case No. 95/09.

7. After conclusion of trial, the learned trial court has acquitted Ram Ratan Sahu (father-in-law), Ramesh Lal Gupta (brother-in-law) and Sudarshan Gupta (brother-in-law) from the charges leveled against them, but petitioner was held guilty for the offence under Section 498A of the I.P.C. and sentenced, as stated above.

8. Thereafter, petitioner preferred Cr. Appeal No. 18 of 2012 before the learned Judicial Commissioner-II, Ranchi, which was dismissed vide judgment dated 04.01.2016, which has been assailed in this revision.

9. Learned counsel for the petitioner has submitted that the marriage between petitioner and opposite party no. 2 was solemnized in the year 1994 and there is general and omnibus allegation of demand and torture that is also after 10 years of her marriage. It is further submitted that not a single independent witness has supported the version of the informant. It is further submitted that both the courts below should have considered the fact that P.W.-2, 3 & 6 have not supported the prosecution case and P.W.-

1 is a hearsay witness and his evidence is not admissible in the eyes of law. It is further submitted that both the courts below have ignored the documentary evidence adduced by the defence i.e. Exhibit-A to E, which goes to show that the informant (P.W.-4) is still living in her matrimonial house at Kanchi and she has brutally assaulted her father-in-law, resulting into registration of criminal case against her and due to fear of informant, the present petitioner is compelled to live in another house and the informant is enjoying the entire property of her husband i.e. the petitioner. It is further submitted that on the same set of evidence, the other accused persons have been acquitted by the learned trial court and only because the petitioner happens to be husband, he has been convicted by learned trial court and confirmed by the learned appellate court. It is further submitted that out of 1½ year's sentence, petitioner has remained in custody for about two months. The petitioner has also undergone the agony of protracted trial for more than 20 years. Therefore, the impugned judgment of conviction and sentence of the trial court upheld by the appellate court may be set aside and this revision may be allowed.

10. In alternative, it is pleaded that the petitioner has sufficiently been punished during investigation and trial by remaining in custody, which is proportionate to the facts proved against him. The factum of cruelty proved against the petitioner, the petitioner

deserves to be released on sentence of imprisonment already undergone by him.

11. Learned APP on behalf of the State assisted by learned counsel for the O.P. No. 2 has vehemently opposed the aforesaid contentions raised on behalf of the petitioner and submitted that both the courts below have concurrently recorded the finding of guilt of the petitioner, who has subjected the opposite party no. 2 / informant, a married lady to cruelty and harassment giving her physical assault and mental trauma and without any reason, left her at her own destiny along with two major children. The conviction and sentence of petitioner is justified under law and so far quantum of sentence is concerned in the facts and circumstances and conduct of the petitioner shown against the opposite party no. 2 / informant appears to be proportionate just and proper and this revision has no merits and is fit to be dismissed.

12. I have gone through the record of the case and also perused the impugned judgment of conviction and order of sentence passed by the learned trial court as well as appellate court. It appears that it is a case of matrimonial discord, which subsists about 10 years from 1994-2004. Admittedly, the opposite party no. 2 / wife along with two major children is residing separately in her matrimonial home itself. The divorce suit was also filed, but dismissed and no appeal was preferred. The marriage between the parties proved infructuous for all practical purposes touching the emotions and cordial

relationship. Now the petitioner is aged about 65 years and retired from services. Other co-accused jointly tried has been extended the benefit of doubt and acquitted. The petitioner has remained in custody for about 02 months during pendency of this revision, trial and post-conviction.

13. Considering the aforesaid facts and circumstances of the case, sending the petitioner again in judicial custody for serving the remaining period of sentence out of R.I. of 1 ½ years awarded to him would yield no useful purpose as a matter of deterrence. Therefore, this revision is **dismissed on merits with modification in sentence** to the extent that instead of awarding the sentence / imprisonment as awarded by the learned trial court and confirmed by the learned appellate court, the petitioner is sentenced to undergo imprisonment for the period already undergone by him for the offence under Section 498A of I.P.C.

14. Petitioner is on bail, as such, he shall be discharged from the liability of bail bond and sureties shall also be discharged.

15. Pending I.A., if any, stand disposed of.

16. Let a copy of this judgment along with trial court record be sent to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi
Dated : 30/10/2026
Sunil/-NAFR
Uploaded On 30/10/2026