IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 567 of 2017

Rinku Sah, son of Gopal Sah, R/o Village-Babhangama, PO + PS-Sarath, District-Deoghar. … ... **Petitioner**

Versus

1.The State of Jharkhand
2. Sawan Devi, wife of Rinku Saw, D/o Arjun Saw, R/o Indra Nagar Jaruwadih, PO: Dumka, PS: Dumka (T), District Dumka.

… … **Opp. Parties**

CORAM:HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Lakhan Chandra Roy, Advocate
For the State : Mr. Pankaj Kumar Mishra, A.P.P.
For the O.P.No.2 : None

P R E S E N T
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
JUDGMENT

Dated: 1st September, 2026

By Court:- Heard the learned counsel for the parties.

2. The instant criminal revision is directed against the Judgment dated 07.03.2017 passed by the learned Sessions Judge, Dumka in Cr. Appeal No. 16 of 2015, whereby and whereunder, the learned Sessions Judge has dismissed the appeal preferred by the petitioner and confirmed the judgment of conviction and sentence dated 22.4.2015 passed by the learned Chief Judicial Magistrate, Dumka in Dumka (T) P.S. Case No. 153 of 2009, corresponding to G.R. No. 994 of 2009, T.R. No. 119 of 2015, under section 498A of the Indian Penal Code and sentenced the petitioner to undergo RI for one year and fine of Rs. 5,000/- with default stipulation.

FACTUAL MATRIX

3. The prosecution case, in short, as alleged by the informant, namely, Sawan Devi is that marriage of the complainant / informant Sawan Devi was solemnized with the petitioner on 15.04.2004 and after marriage the informant went to her sasural and gave birth of two children from her wedlock. It is alleged that till February 2009 the informant was living in her saural peacefully but from march 2009 the accused persons started to torture the informant/complainant. It is further alleged that the petitioner had purchased a 3 wheeler vehicle but the same was seized

due to non-payment of installment which was demanded by the petitioner along with other accused persons from the complainant but the complainant showed her inability to pay the loan amount thereafter she was subjected to assault and ill treatment. Then her parents along with other family members came to her sasural due to which the accused persons became angry and drove them out of the house without allowing them to talk with the complainant. The parents of the complainant informed the officer-in-charge of Madhupur Police Station regarding misbehavior of the accused persons who had directed the accused persons to allow the complainant to go to her maika. Thereafter, the complainant along with her two children went to her maika. After ten days, the petitioner and Gopal Sah came to her maika and forcibly tried to take her son and when she protested she was assaulted by the petitioner with fists and slaps. When nearby people assembled, the accused persons fled away from there.

4. The complainant/informant gave typed complaint petition before the court of Chief Judicial Magistrate, Dumka who forwarded the same to the officer-in-charge, Dumka(T) Police Station for investigation and registration of the case and on the basis of which Dumka (T) PS Case No. 153 of 2009 dated 5.8.2009 was registered under section 498(A) of Indian Penal Code against the petitioner and other accused persons. After completion of investigation, charge-sheet was submitted under the same section, on the basis of which cognizance was taken and charge was framed which was read over and explained to the petitioner to which he pleaded not guilty and claimed to be tried.

5. During trial, the prosecution has examined altogether 4 witnesses in support of his case namely:

P.W.1 Rubi Devi;

P.W.2 Sushma Devi;

P.W.3 Sulchna Devi;

P.W.4 Sawan Devi.

6. No witness has been produced by the accused persons in support of their case.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

8. Learned counsel for the petitioner has submitted that despite valid service of notice vide orders dated 02.05.2017 and 22.06.2022 and paper-publication as per order dated 22.8.2022, the opposite party No.2 has not appeared till date. It is further submitted that the petitioner has remained in custody for more than 3 months. The petitioner is regularly paying maintenance amount of Rs. 2,000/- to the opposite party no.2 in her account. It has further been submitted that the occurrence is of the year 2009 and now more than one decade has been lapsed. The petitioner is not indulged in any other criminal activity and has sufficiently been punished for his guilt. Therefore, his sentence may be reduced from RI for one year to the imprisonment already undergone by him.

Submission on behalf of State:-

9. On the other hand, learned A.P.P. has defended the impugned judgment on merits and submitted that there are concurrent finding about guilt of the petitioner for commission of the offence under section 498A of the Indian Penal Code. Therefoe, on merits no interference is required in this case. However, on the point of sentence, no serious objection has been raised.

Analysis, Reasons and Decision:-

10. I have considered the submission of the respective parties and also perused the impugned judgment.

11. Having heard learned counsel for the parties and on perusal of the record it appears that there is concurrent finding about the guilt of the petitioner for the offence under section 498 A of the Indian Penal Code for demanding money for repayment of loan and due to non-fulfilment of the same, he started torturing the opposite party no.2. Hence, on merits it does not require any interference. Therefore, this criminal revision is dismissed on merits.

12. It further appears that despite valid service of notice upon the opposite party no. 2 vide orders dated 2.5.2017 and 22.6.2022 respectively and also paper publication vide order dated 22.8.2022 she has not appeared. It also appears that vide order dated 15.7.2026 Secretary, DLSA, Dumka was directed to provide legal assistance to the opposite party no.2 and, in compliance of the said order, a report dated 5.8.2026 has been received from the DLSA, Dumka stating therein that opposite party no.2, namely, Sawan Devi gave a written declaration in which she has stated that she does not want to seek legal assistance and don't want to further proceed with this case which is annexed as Annexure-3 to the said report.

13. It appears that the occurrence is of the year 2009 and now more than one decade has been lapsed. The petitioner has remained in custody for more than 3 months and the opposite party no.2 has lost her interest in pursuing this case. The petitioner is regularly paying maintenance amount of Rs. 2,000/- to the opposite party no.2 in her account. The petitioner is not indulged in any other criminal activity, therefore, sentence awarded to the petitioner by the learned trial court is reduced to the imprisonment already undergone.

14. Accordingly, the sentence of the petitioner is modified to the extent of period already undergone by him.

15. Consequently, this criminal revision is dismissed on merits with modification in sentence as stated above.

16. Petitioner is on bail, hence, he is discharged from the liabilities of bail bonds. The sureties are also discharged.

17. Pending I.A(s), if any, is also disposed of, accordingly.

17. Let a copy of this judgment be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court
Dated:01.09.2026
KNR/NAFR
Uploaded on:2.9.2026