IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1367 of 2017

Malik Maraiya, S/o. Mantri Maraiya, R/o. Bodu, P.O. & P.S.- Littipara, Dist.- Pakur, Jharkhand. ... ... **Petitioner**

Versus

1. The State of Jharkhand
2. Lakhimuni Maraiya, W/o. Malik Mariaya, R/o. Vill.- Dhawapahari, P.O. & P.S.- Sunderpahari, Dist.- Pakur, Jharkhand.

…… **Opp. Parties**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Kanti Kumari Ojha, Advocate
For the State : Mr. Prabhu Dayal Agrawal, Spl.P.P.
For the O.P. No. 2 : None

J U D G M E N T

Dated: 21st September, 2026

By Court:-

1. Heard learned counsel for the petitioner as well as learned Special P.P. However, no one has appeared on behalf of the opposite party no.2 in spite of valid service of notice upon her.

2. Instant Criminal Revision is directed against the judgment dated 31.05.2017 passed by learned Addl. Sessions Judge-I, Pakur in Criminal Appeal No. 48 of 2012, whereby and whereunder the learned Appellate Court has dismissed the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 27.09.2012 passed by the learned Judicial Magistrate, 1st Class, Pakur in P.C.R. Case No. 407 of 2006 / T.R. No. 14 of 2012, whereby and whereunder the petitioner has been held guilty for the offence under

Section 498A of the I.P.C. and sentenced to undergo R.I for 1 year alongwith the fine of Rs. 1000/-.

Factual Matrix:-

3. Factual matrix giving rise to this revision is that the marriage of the complainant was solemnized with the present petitioner in accordance with customs ritual prevalent under Hindu. After some days from the marriage, the family members of her husband demanded to bring Rs. 5,000/-, which could not be fulfilled at that time. Thereafter, her husband and parents in laws started physically and mentally torture on her. On 20.09.2005, they drove out the victim, after mercilessly assaulting her and threatened that they would solemnize another marriage of her husband anywhere. A Panchayati was also convened to short out the problems but her in laws stood adamant on their demand. When the victim went to her matrimonial house for panchayati on 14.06.2006, she saw there an unknown lady in the house and asked to her, then the lady replied that her marriage was solemnized with Malik Maraiya, the present petitioner before one month. The complainant raised protest as to how her husband can solemnized second marriage during her life time, then her in laws and husband drove her out after assaulting her and misbehaving with her guardian. Therefore, she stated the occurrence to O/C Littipara on 15.06.2006 but the F.I.R. was not registered, then she filed complaint petition on 06.12.2006.

4. After conducting inquiry in the complaint case, being P.C.R. Case No. 407 of 2006, summon was issued against the accused persons for the offence under Section 498A of the I.P.C.

5. The accused persons including the petitioner appeared to the summons and contested the case before the learned Trial Court.

6. In the course of trial, the prosecution has examined following witnesses, who have proved prosecution case as well as contents of the complaint.

i. PW-1 Panchu Mariaya

ii. PW-2 Sumitra Maraiya (mother of the complainant)

iii. PW-3 Rasik Maraiya

iv. PW-4 Lakhimuni Maraiya (complainant)

Apart from oral testimony adduced on behalf of the prosecution, only one documentary evidence has also been adduced on her behalf, i.e., signature of complainant on application to police by registered post.

7. On the other hand, defense has neither examined any oral witness nor adduced any documentary evidence.

8. The case of defence is denial from the occurrence and false implication owing to enmity.

9. The learned Trial Court after evaluating the testimony adduced by the complainant arrived at conclusion that the complainant has proved its case beyond all reasonable doubts and, accordingly, held the petitioner guilty for the offence under Section 498A of the I.P.C. and sentenced him as stated above, acquitting the other two co-accused persons.

10. Against the above judgment of conviction and sentence, the present petitioner preferred an appeal challenging his conviction and sentence before the learned Sessions Judge, Pakur, which was

registered as Criminal Appeal No. 48 of 2012 and transferred to the learned Additional Sessions Judge-I, Pakur for disposing of the same. The learned Appellate Court vide judgment dated 31.05.2017 dismissed the appeal and upheld the judgment passed by the learned Trial Court, which has been assailed in this revision.

Submissions on behalf of the Petitioner:-

11. Learned counsel on behalf of the petitioner without entering into the merits of the judgment has confined himself towards the quantum of sentence awarded to petitioner. It is further submitted that allegation against the petitioner is demand of Rs. 5,000/- from the opposite party no. 2. and assault on her but the allegation made by the opposite party no. 2 is completely baseless. She was neither tortured nor assaulted by any members of the petitioner. It is further submitted that the marriage was solemnized in the year 2005 and both the parties were living separately since long. For the alleged occurrence, a panchayati was also held for living together. It is admitted fact that it was the first conviction of the petitioner and no previous offence has been attributed against him. The appellant has remained in custody for almost three months out of R.I. for one year and he has sufficiently been punished for his guilt. The petitioner has no criminal background. He has sustained the agony of trial since more than two decades and has also undergone substantial period of imprisonment. Therefore, the sentence of the petitioner may be reduced to the extent of the imprisonment already undergone by him instead of the sentence awarded by the learned Trial Court and upheld by the learned Appellate Court.

Submissions on behalf of the State:-

12. On the other hand, learned Special P.P. has defended the impugned judgment on merits and has submitted that there is concurrent finding of the learned Trial Court as well as the learned Appellate Court, but so far the sentence awarded to the petitioner is concerned, it is submitted that the matter is of the year 2006 and more than two decades have been elapsed. Therefore, appropriate order may be passed.

Analysis, discussion and reasons:-

13. I have gone through the record of the case alongwith the impugned judgment of conviction and sentence passed by the learned Trial Court and also as upheld by the learned Appellate Court.

14. It appears that there is concurrent finding of both the courts below that the prosecution has been successfully able to establish the guilt of the petitioner for the offence punishable under Sections 498A of the I.P.C. The complainant of this case, who has been examined as PW-4 has fully supported the prosecution case being the victim of this case. She was tortured and assaulted by her husband for demand of Rs. 5,000/-. The other witnesses have also corroborated the manner of occurrence. The judgment of convictioin passed by the learned Trial Court and upheld by the learned Appellate Court appears to be correct legal and proper, requires no interference on merits by way of this revision. As such, conviction of the petitioner under Section 498A of the I.P.C. is upheld.

15. So far quantum of sentence of the petitioner is concerned, the petitioner has already remained in custody for almost three months out

of R.I. for one year awarded for the offence under Section 498A of the I.P.C. The occurrence is of the year 2006 and more than two decades have been elapsed and the petitioner has also sustained the agony of trial since long.

16. In view of above discussion and reasons, I find that the petitioner has sufficiently been punished for his guilt. Accordingly, in the ends of justice, the sentence of the appellant is reduced / modified and he is awarded the sentence of imprisonment already undergone by him.

17. Accordingly, this appeal is **dismissed on merits with modification in sentence** to the extent as mentioned above.

18. The appellant is on bail. As such, he is discharged from the liability of his bail bond and sureties are also discharged.

19. Pending I.A.(s), if any, stands disposed of.

20. Let a copy of this order/judgment alongwith the trial court records be sent back to the concerned court immediately for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand at Ranchi
Dated: 21.09.2026
Rahul-NAFR
Uploaded on 23/09/2026