**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Cr. Revision No. 136 of 2010**
**------**

Badre Alam @Badri Alam, S/o Rajak Sheikh, Resident of Village-Ranipur, P.S.-Pakur, Post.-Sangrampur, Dist.-Pakur

**.... .... Petitioner**

Versus

1. The State of Jharkhand
2. Mastara Bibi, D/o Lt. Yofos Sk. Resident of Vill-Ranipur, (Gharabari) P.S.-Pakur (M), Dist.-Pakur

**.... .... Opposite Parties**

**-------**

For the Petitioner : Md. Faruque Ansari, Advocate.
Md. Asadul Haque, Advocate.
For the State : Mr. Arup Kumar Dey, A.P.P.
For the O.P. No. 2 : Ms. Swati Shalini, Adv.
Mr. S. Goswami, Adv.

**----------**

**PRESENT**

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

**J UDGMENT**

**C.A.V. on 24.08.2026** **Pronounced on 05/10/2026**

1. Heard learned counsel for the petitioner and learned A.P.P. assisted by learned counsel appearing on behalf of opposite party No. 2.

2. The instant criminal revision is preferred against the judgment dated 16th December, 2009 passed by the learned Sessions Judge, Pakur in Cr. Appeal No. 68 of 2008, whereby and whereunder, the learned Appellate Court has upheld the judgment and order of conviction and sentence of the present petitioner dated 20th August, 2008 passed by the learned Sub-Divisional Judicial Magistrate, Pakur in P.C.R. Case No. 124 of 2004 / T.R. No. 121 of 2008, whereby and whereunder, the petitioner has been convicted for the offence under Sections 498A of the IPC and sentenced to

undergo R.I. for one year along with a fine of Rs. 200/- with default stipulation.

***Factual Matrix:-***

3. The factual matrix giving rise to this revision is that a complaint petition was filed by the complainant stating *inter alia* therein that her marriage was performed with the present petitioner about one and half years ago as per Muslim Rites and Customs and Den Mohar of Rs. 5000/- was fixed but the same was kept due. She has further alleged that since no presentation in cash was given from the side of complainant, the accused persons including present petitioner, father-in-law, mother-in-law, sister-in-law (*nanad*) and others started to torture the complainant by assaulting, using filthy language and by not giving proper food. It is further alleged that the mother of the complainant gave Rs. 5,000/- on 31.01.2004 during which period, the complainant was pregnant for a period of five months and due to her pregnancy, her health was deteriorating due to physical and mental assault and torture meted with by the accused persons as a result of which, the complainant fell ill and she was finally ousted from her matrimonial home by the accused persons i.e. one and half months prior to filing the complaint petition. It is further alleged that prior to 01.06.2004, her husband Badri Alam (present petitioner) entered into the house of the mother of the complainant and threatened the

complainant with knife that if the complainant attempts to file any case, she would be killed and on 01.06.2004, at about 7:00 pm, all the accused persons armed with Chheni and Lathi snatched two golden "Rani Dul" weighing about 6 Annas form the ears of the complainant and fled away threatening the complainant with dire consequence when she came to fetch water near Tube Well situated in front of the house of Azid Sk. On raising alarm, the witnesses reached at the place of occurrence and saw the accused persons fleeing away.

4. After enquiry, on 18.08.2005, the learned SDJM, Pakur found prima facie case for the offence under Section 498A of the IPC against all the accused persons and on 20.04.2007, the charge under Section 498A of the IPC was framed, which was read over and explained to them in hind to which they pleaded not guilty and claimed to be tried.
5. The defence has denied the allegation and taken the plea of innocence.
6. In the course of trial, altogether following 03 witnesses were examined by the prosecution :-

| | |
|---|---|
| P.W.-1 | Lakhu Sk. |
| P.W.-2 | Alfu Sk. |
| P.W.-3 | Mastara Bibi (Complainant) |

7. Apart from oral testimony of the witnesses, no documentary evidence has been adduced by the prosecution.

8. On the other hand, no oral as well as documentary evidence has been adduced by the defence.

9. The learned trial Court after considering the evidence available on record held the present petitioner along with other accused persons guilty for the offence under Sections 498A of the IPC which has also been partly allowed by the learned Appellate Court upholding the guilt of the present petitioner, acquitting other accused persons.

***Submissions on behalf of petitioner***

10. Learned counsel for the petitioner assailing the concurrent findings of the Courts below has contended that the learned trial Court as well as appellate Court has miserably failed to consider the fact that the prosecution has failed to prove any injury or torture or assault by the present petitioner. The complainant has not proved any occurrence, except single occurrence on 01.06.2004, where the appellant had tried to assault the complainant. Moreover, the learned Appellate Court has rightly acquitted all other accused persons finding no proof of torture and assault by the accused persons but has wrongly upheld the conviction of the present petitioner only on the ground of being husband of the complainant, who has already remained in custody for one month five days, out of one year imprisonment, as awarded by the learned trial Court and the case is of the year 2004 and since then, the present

petitioner is suffering the agony of the trial and has sufficiently been punished for the alleged offence, hence, a lenient view may be taken.

***Submissions on behalf of the State as well as Opp. Party No. 2***

11. Per contra, learned A.P.P. assisted by learned counsel for the Opposite Party No. 2 has defended the judgment of learned trial Court as well as the appellate Court on merits by stating that both the Courts below have very wisely and aptly gone through the record of the case and rightly found the petitioner guilty for the offence punishable under Section 498A of the IPC and accordingly convicted and sentenced him and there is no merits in this revision, which is fit to be dismissed.

***Analysis, reasons and decision***

12. I have gone through the record of the case along with the impugned judgment passed by the learned trial court as well as by the learned appellate court in the light of contentions raised on behalf of respective parties. It appears that there is concurrent finding of both the courts below about the guilt of the petitioner for the offences punishable under Section 498A of the I.P.C. From the evidence of P.W.-3, the complainant Mastara Bibi, it appears that the present petitioner Badri Alam threatened to kill by taking hansua in hand which was also corroborated by the evidence of P.W.-2 and P.W.-1, therefore, the finding of facts of the court below appears to be correct,

legal and proper, requiring no interference on merits by way of this revision.

13. So far sentence awarded to the petitioner is concerned, admittedly out of one year of rigorous imprisonment, he has remained in custody for about 01 month 05 days.

14. It appears that the date of alleged occurrence was of the year 2004 and more than two decades have elapsed from the alleged occurrence. The petitioner has sustained agony of trial for the aforesaid period and has also served sentence for about 01 month 05 days. The parties have settled in their own life and no other case is pending against each other.

15. Under the aforementioned circumstances, in the interest of justice, the imprisonment already undergone by the petitioner appears to be sufficient punishment for the offence committed by him.

16. In view of above discussion and reasons, impugned judgment of conviction of the Court below is upheld on merits, but with modification in sentence to the extent mentioned above, i.e., the petitioner is sentenced to undergo imprisonment for the period already undergone by him.

17. Accordingly, this revision is **dismissed on merits with modification in the sentence**.

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

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

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

**(Pradeep Kumar Srivastava, J.)**

Jharkhand High Court at Ranchi
Date:- 05/10/2026
Sunil/-**NAFR**
**Uploaded On: 06/10/2026**