

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 66 of 2014

Jamil Ahmad Ansari @ Jamil Ahmad Petitioner
Versus
The State of Jharkhand Opp. party

CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Ms. Antra Banerjee, Advocate
For the State : Mr. Shekhar Sinha, A.P.P.

05/29.11.2019 The instant application is directed against the judgment dated 27.05.2013 passed by the learned Sessions Judge, West Singhbhum at Chaibasa in Criminal Appeal No. 08 of 2013 whereby the appeal preferred by the petitioner was dismissed and the judgment of conviction and order of sentence dated 22.12.2012 passed by the learned S.D.J.M., Sadar, Chaibasa in G. R. No. 337 of 2002, whereby the petitioner was found guilty and convicted for the offence under Section 498A of the Indian Penal Code and was sentenced to undergo RI for two years and six months with fine of Rs. 5,000/-, has been affirmed.

At the outset, learned counsel for the petitioner confines her argument on the question of sentence. She further submits that the petitioner is a poor villager and there is no other criminal antecedent against him, save and except the present one and he is living with his family as such sending him back to prison would not serve any fruitful purpose rather, his family will be ruined. She prays that the sentence may be modified in lieu of fine.

Per contra, learned A.P.P. supports the impugned orders, however, did not dispute the fact the there is no criminal antecedent of the petitioner and compensation may be awarded in lieu of fine.

Having heard learned counsel for the parties and after going through the impugned orders and lower court records and keeping in mind the limited submissions of the learned counsel for the petitioner and the scope of the revisional jurisdiction, I am not inclined to interfere with the finding of the courts below and as such the judgment of conviction passed by the learned trial court and upheld by the learned appellate court is, hereby, confirmed.

However, so far as sentence is concerned, it is apparent from record that the incident is of the year 2002 and seventeen years have elapsed and the petitioner must have suffered the rigors of litigation for the last seventeen years and also remained in custody for 142 days. It is not stated that the petitioner has ever misused the privilege of bail. In a situation of this nature, I am of the opinion that it may not be proper for this Court to send the accused person back to prison. In this way, I find it is expedient in the interest of justice that the sentence should be modified in lieu of fine.

Thus, the sentence passed by the Court below is, hereby, modified to the extent that the petitioner is sentenced to undergo for the period already undergone subject to payment of fine of Rs. 15,000/-

It is made clear that the petitioner is directed to pay the aforesaid fine of Rs. 15,000/- within a period of three months from today before the learned trial Court which shall be paid to the informant-wife as compensation.

With the aforesaid observations, directions and modification in sentence only, this revision application is disposed of.

The petitioner shall be discharged from the liability of his bail bonds subject to the aforesaid condition.

Let a copy of this order be communicated through FAX to the concerned court.

Let the lower court record be sent to the court concerned forthwith.

(Deepak Roshan, J.)