
(2014) 05 PAT CK 0098

In the Patna High Court

Case No : Criminal Revision No.1002 of 2002

Safi Ansari @ Safiullah Ansari

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 09-05-2014

Acts Referred:

Citation : (2014) 3 BBCJ 9

Hon'ble Judges : Jyoti Saran, J.

Bench : Single Bench

Advocate : Mr. Ravi Ranjan, Advocate, for the Petitioners; Mr. Shantanu Kumar, A.P.P, for the State

Final Decision : Dismissed

Judgement

Jyoti Saran, J.(Oral)—Mr. Ravi Ranjan for the petitioners and Mr. Shantanu Kumar for the State are present.

2. Despite service of notice and having registered appearance through counsel there is no appearance on behalf of the informant.

3. This criminal revision is directed against the judgment and order dated 9.7.2001 passed by the 9th Additional Sessions Judge, Bhojpur at Ara in Criminal Appeal No. 22 of 2000 whereby the appellate court while dismissing the appeal has confirmed the judgment and order of conviction passed by the Judicial Magistrate-1st Class, Bhojpur at Ara in a case arising from Complaint Case No. 238(C) of 1996, Trial No. 151 of 2000 whereby the trial court after convicting the petitioners under Section 498A of the Indian Penal Code has sentenced them to rigorous imprisonment of one year and also to fine of Rs. 500/- each and upon failure to pay the fine, to undergo a further sentence of one month.

4. Mr. Shantanu Kumar, learned Additional Public Prosecutor has submitted that during the pendency of the application, the petitioner no. 1 Safi Ansari @ Safiullah Ansari has deceased on 19.3.2003 as is apparent from the record.

5. In the circumstances, this criminal revision as against the petitioner no. 1 Safi Ansari @ Safiullah Ansari is dismissed and would continue as against the other petitioners.

6. Mr. Ravi Ranjan, learned counsel appearing for the contesting petitioners submits that of the one year period the petitioners having surrendered on 31.7.2002 were released on bail by this Court on 2.7.2003 meaning thereby, they have practically completed the sentence.

7. Considering the submissions of learned counsel, this Court while upholding the conviction of the petitioner would modify the sentence to the period undergone and since the petitioners are already on bail under the orders of this Court dated 2.7.2003, they shall stand discharged of their bail bonds.

8. With the modification aforementioned, this criminal revision is dismissed.

9. Let the lower court records be returned to the court below forthwith.