

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1211 of 2016**

Arising Out of PS. Case No.-172 Year-2004 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Sunil Pandit, Son of Ramdeo Pandit, Resident of Village- Sherpur, P.S.-
Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Sirjan Devi @ Srijan Devi, w/o Naresh Pandit, Resident of Village- Mau Sherpur, P.S.- Vidyapati Nagar, District- Samastipur at present residing in the house of her father namely Chhannu Pandit, Resident of Village- Satapur, Tole- Saidpur Jogi Asthan, P.S.- Ujarpur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mauli Chaurasia, Advocate
For the Respondent/s : Mr. Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL JUDGMENT**

Date : 18-04-2024

The instant revision is directed against the judgment and order of affirmation passed by the learned Additional Sessions Judge IIIrd Court at Samastipur on 28th June 2016, in Criminal Appeal No. 46 of 2011, whereby and whereunder the appellate Court maintained the order passed by the trial court, of conviction for the offence punishable under Sections 498A of the IPC and Section 4 of the Dowry Prohibition Act and sentence of the petitioner to suffer imprisonment for three years and also to pay fine of Rs. 1,000/- with default clause for the offence under Section 498A of the IPC and rigorous imprisonment for one year



with fine and default clause for the offence punishable under Section 4 of the Dowry Prohibition Act.

2. Without going into the merit of the case and the finding of both the trial court as well as the court of appeal, this Court finds on perusal of the petition of complaint, on the basis of which, Complaint Case No. 172 of 2004 was registered that the present petitioner is not a relative of the husband of the complainant as provided in Section 498A of the IPC. It is clearly stated by the complainant in page 04 of the complaint that the present petitioner who was arrayed as accused no. 4 was an advisor of other accused persons (अभियुक्त संख्या 04 तीनों अभियुक्तों के सलाहकार है).

3. As the petitioner was made to suffer a criminal trial which is not maintainable against him and he was compelled to be confined in the correctional home at different points of time. This Court is of the opinion that the petitioner should be compensated since the petitioner was made to suffer the agony and trauma of a criminal trial as well as detention in custody for taking cognizance against him by the learned Magistrate and putting him in trial in a case which is not maintainable against him, the petitioner is entitled to get compensation at the rate of Rs. 100/- each payable by the learned Judicial Magistrate, namely, Sri Ramanand Ram, S.D.J.M, Dalsingsarai- Samastipur and Hanuman Prasad Tiwari,



Additional Sessions Judge, IIIrd Court, Samastipur, on 28th June 2016.

4. The concerned judicial officers are directed to deposit the fine amount in the Criminal Cash Section of the Chief Judicial Magistrate, Samastipur within three weeks from the date of this order.

5. I am consciously issued the order for payment of compensation directing the concerned Judicial Officers to pay a token amount because in the instant case compensation is not assessed on the basis of the mental agony and trauma and social ignominy suffered by the petitioner due to seer lackadaisical approach of both the courts below. The amount of compensation is fixed as a token to remind the concerned Judicial Officers that before taking cognizance and also during judicial inquiry and trial, it is the bounden and obligatory duty of all the courts to go through the complaint carefully and then to take cognizance and proceed against the accused persons in accordance with law.

6. Let a copy of this order be sent to the Registrar General, High Court at Patna for information and necessary action intimating the concerned Judicial Officers to comply with this order within three weeks from the date of communication.



7. Since the accused/petitioner cannot be booked for committing offence under Sections 498A and Section 4 of the Dowry Prohibition Act, he is acquitted from the charge, set at liberty and released from the liability of bail bond.

8. The instant revision is accordingly allowed on contest.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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