

reduced the sentence of the petitioner from three years to two years and the fine amount was also reduced from Rs. 5,000/- to Rs. 2,000/-. The learned counsel submits that considering the fact that about 22 years have elapsed from the date of incident, therefore, the sentence of the petitioner be modified and be limited to the period already undergone in custody.

5. Learned counsel appearing on behalf of the opposite party-State, on the other hand, opposes the prayer and submits that initially the case was registered under Sections 493, 376, 323, 420 and 313/511 of the Indian Penal Code and the learned trial court found prima facie case under Sections 493 and 323 of I.P.C., but subsequently the charge was framed under Section 498-A of the Indian Penal Code. The learned counsel has also submitted that there was not only materials on record showing admission of the petitioner that the complainant was his wife, but they also had a son born out of wedlock. It has been recorded in para-8 of the learned appellate court's judgment that the prosecution also filed a copy of the order of Hon'ble Patna High Court in Criminal Miscellaneous Case No. 25303/1999 (Sushil Marandi vs. State of Bihar) dated 08.12.1999, which was the official copy which showed that at the time of grant of bail, one supplementary-affidavit was filed by the petitioner that he has solemnized his marriage with the girl and therefore they are living as husband and wife and on this ground, the Hon'ble Patna High Court was pleased to grant bail to the petitioner on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties. This bail order was passed in the present case itself.

6. The learned counsel has also submitted that it has been recorded in the evidence of the complainant that a panchayati was convened, in which, the present petitioner made admission that the complainant is his wife and he had also accepted that

they had a son and thereafter, the petitioner took the complainant and her son to his house. The learned counsel submits that considering the nature of offence involved in the present case, the petitioner does not deserve any lenient view of this Court, even in the matter of modification of sentence. He submits that there are consistent findings on record to sustain the conviction and there is no illegality or perversity in the impugned judgments passed by the learned courts below.

7. Arguments concluded.

8. Oder is reserved.

(Anubha Rawat Choudhary, J.)

Mukul