



IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No. 359 of 2018

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Bishwajeet Banerjee @ Vishwajeet Banarjee, Aged about 35 years,
son of Bablu Banerjee, Resident of Patel Nagar, Church Gate,
Bhurkunda, P.O. and P.S. Bhurkunda (Patratu), District
Ramgarh. ... **Petitioner**

Versus

1. The State of Jharkhand
2. Reena Roy, wife of Vishwajeet Banerjee and Daughter of
Bhawani Shankar Roy, Resident of C.C.L. Hospital Colony,
Bhurkunda, P.O. and P.S. Bhurkunda (Patratu), District
Ramgarh.

... **Opp. Parties**

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For the Petitioner	: Mr. Navin Kumar Singh, Adv.
For the State	: Mrs. Nehala Sharmin, Spl. P.P.
For the O.P. No.2	: Mr. A.K. Sahani, Adv. Mr. Mayank Kumar, Adv.

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P R E S E N T

HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

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JUDGMENT

Dated- 17.04.2026

By Court:- Heard the arguments advanced by Mr. Navin Kumar Singh, learned counsel for the petitioner as well as Mrs. Nehala Sharmin, learned Spl. P.P. appearing for the State and Mr. A.K. Sahani, learned counsel appearing for the opposite party No.2.

2. Instant criminal appeal is directed against the judgment dated 27.01.2018 passed by learned Additional Sessions Judge-IIIrd, Ramgarh in Criminal Appeal No. 161 of 2014,



whereby and whereunder learned Appellate Court partly allowed the appeal by upholding the conviction and sentence passed under Section 498A of the I.P.C. which was passed by learned Judicial Magistrate-1st Class, Hazaribagh in G.R. No. 2020 of 2008/T.R. No. 859 of 2014, under Sections 498A of the Indian Penal Code and sentenced to undergo rigorous imprisonment (R.I.) for three years along with fine of Rs. 2000/- with default stipulation.

3. Factual matrix giving rise to this revision is that complainant (Reena Roy opposite party No.2) had filed a Complaint Petition No. 468 of 2008 dated 03.04.2008 alleging that her marriage was solemnized with accused Vishwajeet Banerjee (appellant) on 27.09.2004, pursuant to which she started residing at her matrimonial home at Patel Nagar, Church Gate, Bhurkunda and lived peacefully for a short duration. It is alleged that just after two months of marriage, she was subjected to cruelty and harassment by her husband and in-laws on account of demand of Rs. 50,000/-. The complainant has further alleged that on 26.02.2005 at about 08:00 A.M., the accused persons assaulted the complainant and threatened her with dire consequences, if she returned without the demanded amount, compelling her to take



shelter at her parental home. Despite efforts of reconciliation by her family, the accused persons allegedly remained adamant and even abused her in filthy language. It is further alleged that on 02.04.2008, the accused again called the complainant and her family members, abused and threatened them for non-payment of the said amount. Hence, the complainant instituted the present complaint case which was sent to concerned Police Station for registration and investigation of case under Section 156(3) Cr.P.C.

On the basis of above information, Patratu (Bhurkunda) P.S. Case No. 109 of 2008 was registered for the offences under Sections 498A, 323, 504, 379, 120B of the Indian Penal Code and 3/4 of the D.P. Act against the accused persons.

4. After completion of investigation, charge-sheet was submitted against this appellant for the offences under Sections 498A, 323, 504 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act. Accordingly, cognizance was taken. Charges were framed against the appellant for the aforesaid offences which was read over and explained to him, to which he denied and claimed to be tried.

5. In the course of trial, altogether seven witnesses were examined and several documentary evidence were also



adduced by the prosecution.

6. On the other hand, no oral or documentary evidence has been adduced by the defence.

7. Learned trial court has convicted and sentence the accused under Sections 498A and 323 of the I.P.C. against which the petitioner has filed appeal which was partly allowed by upholding the conviction and sentence under Section 498A of the I.P.C.

8. Learned counsel for the petitioner without touching the merits of the judgment has confined himself towards the quantum of sentence awarded to the petitioner for the offence under Section 498A of the I.P.C. It is submitted that maximum sentence of three years' R.I. has been imposed upon the petitioner. The other co-accused persons who were also involved in the F.I.R., were not sent up for trial. The petitioner has already undergone more than 6 months custody during trial and post-conviction. It is further submitted that the wife of the petitioner (opposite party No.2) has been granted decree of divorce on contest by the presiding Judge, Family Court, Ramgarh in Original Suit No. 133 of 2021. Now the wife has snapped the marriage tie permanently with the petitioner. The petitioner has been



made scapegoat of circumstances due to matrimonial discard. In the facts and circumstances, the imprisonment awarded to the petitioner may be reduced to the extent of imprisonment already undergone by him instead of maximum sentence of three years awarded by the learned Trial Court and upheld by the learned Appellate Court.

9. On the other hand, learned Spl. P.P. appearing for the State as well as learned counsel appearing for the opposite party No.2 (complainant) has submitted that there is concurrent finding about guilt of the petitioner for the offence under Section 498A of the I.P.C. and there is no valid reason pointed out by the learned counsel for the petitioner to interfere with the impugned judgment and order. So far as quantum of sentence is concerned, it has also been adequately imposed upon the petitioner. Therefore, this revision is fit to be dismissed.

10. I have gone through the impugned judgment and order along with the record of the case in the light of rival contentions of the learned counsel for the respective parties.

11. Considering the facts and circumstances, nature of offence committed by the petitioner and also in view of the fact that the incident is of the year 2008 and divorce has been



decreed whereby all the marital tie has revoked between the parties.

12. In the aforementioned circumstances, sending the petitioner for undergoing further two and half years remaining sentence awarded to him would serve no useful purpose. In the ends of justice, therefore, sentence awarded to the petitioner is reduced to the imprisonment already undergone. Accordingly, this appeal is **dismissed** on merits with modification in sentence as stated above.

13. The appellant is on provisional bail, hence, he is discharged from the liability of bail bond. The sureties are also discharged.

14. Pending I.A., if any, stands disposed of.

15. Let a copy of this judgment be sent to the concerned trial court for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi

Dated: 17/04/2026

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Uploaded On: 06/05/2026