

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Crl. A. No. S-605-SB of 2004 (O&M)  
Date of decision : 13.01.2015

Ashok Kumar .....Appellant  
versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ranjan Lakhanpal, Advocate  
for the appellant

Mr. Daljeet Singh Virk, AAG, Punjab

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RITU BAHRI, J.

The appellant has filed the present appeal against the judgment and order dated 26.02.2004 passed by Additional Sessions Judge, Rupnagar, whereby he has been convicted under Section 498-A of the Indian Penal Code (for short "the Code") in FIR No.68 dated 25.04.1999 registered at Police Station Sadar Ropar and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,00/- or to undergo further rigorous imprisonment for two months month in default of payment of fine.

According to the prosecution, the appellant married to the complainant on 21.03.1999 in Chandigarh with the help of Mediator Sucha Singh who told the complainant that the appellant is working as Junior Engineer and owns plot in Mohali and belongs to well to do family. However, after marriage, the complainant came to know that appellant is unemployed and asked the complainant to bring Rs. 1

lacs from her parents, so that he could start her business. The appellant and his family members started torturing and harassing the complainant. Further accused Bal Krishan in the absence of her husband, tried to molest the complainant but she managed to escape by making noise. When the complainant told this incident to her husband, he instead of asking anything from Bal Krishan, directed the complainant to fulfill the sexual desire of Bal Krishan. Hence, the present F.I.R.

This appeal was admitted vide order dated 18.03.2004 and the interim bail was granted to the appellant.

Learned counsel for the appellant has not challenged the judgment of conviction passed by the Court below. However, he has submitted that the appellant is first offender. He has been facing the agony of criminal prosecution for about eleven years. Moreover, out of the sentence of one year imposed upon him, he has already undergone a period of more than 28 days, as per custody certificate dated 03.12.2014 and no case is pending against him, thus, the remaining substantive sentence of imprisonment of the appellant be set aside.

Learned State counsel has vehemently opposed the prayer made by learned counsel for the appellant. However, it has been mentioned therein that there is no other criminal case pending against him.

Taking into consideration the totality of the circumstances, this Court is of the view that ends of justice would be best met if the

substantive sentence of imprisonment of the appellant is reduced to that already undergone by him. At the same time, the fine imposed upon the appellant by the trial Court can be suitably enhanced.

Resultantly, the conviction of the appellant under Section 498-A of the Act is maintained. His substantive sentence of imprisonment is reduced to that already undergone by him. However, the fine of Rs.5,00/- is enhanced to Rs. 5,000/- and in default of payment of the same, the appellant shall undergo imprisonment as per the impugned judgment.

But for the modification in the quantum of sentence of imprisonment and fine, as indicated above, the appeal fails and is, accordingly, dismissed.

13.01.2015  
G Arora

(RITU BAHRI)  
JUDGE