

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA No. 2751-SB of 2010 (O & M)

Date of decision : 22.1.2015

Mohit

.....Appellant

v.

State of Haryana

.....Respondent

CORAM : HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present : Mr. Devinder Singh, Advocate, for the appellant

Ms. Mahima, AAG, Haryana

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

Raj Rahul Garg, J. (Oral)

This appeal is directed against the judgment of conviction dated 7.9.2010 and order on sentence dated 8.9.2010 rendered by Sh. R.K. Saini, Additional Sessions Judge (I), Bhiwani, whereby the appellant was held guilty for committing of an offence punishable under Sections 498A and 306 IPC. Accordingly, he was sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.1,000/-for committing an offence punishable under Section 498A IPC with default clause of rigorous imprisonment for one month. He was also sentenced to undergo rigorous imprisonment for 4 years and to pay fine of Rs.4,000/-for commission of an offence punishable under Section 306 IPC with default clause of rigorous imprisonment for 4 months. Both the said sentences were ordered to run concurrently.

Brief facts of the case are that Bala was married to the appellant 5

years ago from the date of this incident. Her father-in-law and mother-in-law used to harass her on account of demand of dowry as they demanded a sum of Rs. 2 lakhs and a motor cycle from her and her husband also used to give her beatings for non fulfillment of demand for dowry. Bala stated before the Magistrate in her statement recorded under Section 164 Cr.P.C. that she was turned out of her matrimonial home and since then she had been residing at her parental home because her mother-in-law and father-in-law did not allow her to live in her matrimonial home. Being fed up on account of demand of dowry by her husband and parents in law, she ultimately set herself ablaze.

The appellant was duly charge sheeted under Sections 498A and 304B of IPC to which he did not plead guilty and claimed trial. After taking prosecution evidence, statement of the accused was recorded under Section 313 Cr.P.C. and thereafter, hearing both the sides, the learned trial Court recorded the judgment of conviction on 7.9.2010 and order on sentence on 8.9.2010. Assailing the aforementioned judgment of conviction and order on sentence, the appellant has come up in this appeal, before this Court.

At the time of hearing of arguments, learned counsel for the appellant stated that he does not contest the findings recorded by the learned trial Court on merits. However, he will feel satisfied if, in the matter of sentence, the sentence of the appellant is reduced as the appellant has already undergone more than 3 years sentence, whereas the total period of sentence to be undergone by the appellant is 4 years.

Ms. Mahima, AAG, Haryana placed on file custody certificate of the appellant which is ordered to be taken on record. She also opposed the request of appellant contending that appellant doesnot deserve concssion in the matter of sentence as the case is of serious nature.

As per custody certificate, the appellant has already undergone sentence including remissions earned to the extent of 3 years 4 months and 3 days. Learned counsel for the appellant contended that father of the appellant is no more. His mother is residing with him. The appellant is a labourer and he has to support his mother by earning his livelihood by dint of labour work.

Under these circumstances, I being of the opinion that ends of justice would be met if the sentence of the appellant is reduced to the one already undergone.

So is ordered accordingly.

(RAJ RAHUL GARG)
JUDGE

22.1.2015
Ashwani