

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Crl. Appeal S-1788-SB of 2003**

Date of Decision : May 01, 2015

Rajinder

.....Appellant

**VERSUS**

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN**

Present : Mr. R.S.Tacoria, Advocate  
for the appellant.

Mr. Praveen Bhadu, Asstt. A.G. Haryana.

**T.P.S. MANN, J.(Oral)**

The appellant, alongwith his parents Hari Singh and Rijka, brother Surender and sisters Bimla and Santra, was tried for the offences punishable under Sections 498-A, 406 and 506 IPC. Surender, brother of the appellant was also tried for the offences under Sections 376/511 IPC. Vide judgment and order dated 20.9.2003, the Additional Sessions Judge (Fast Track Court), Karnal acquitted the co-accused of the appellant of all the charges against them. The appellant was also acquitted under Sections 406 and 506 IPC. He was held guilty under Section 498-A IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/-. In default of payment of fine, he was directed to further undergo rigorous imprisonment for six months. The amount of fine, upon its realization was ordered to be paid to complainant-Mukesh Rani, as compensation.

According to the prosecution, the appellant was married to complainant-Mukesh Rani on 2.4.1997. In the said marriage, the father of the complainant had spent a sum of Rs. 2,00,000/- on the dowry articles including gold and silver ornaments besides expenses for entertaining the marriage party. During her short stay for five days in her matrimonial home, the complainant was taunted by all the accused for bringing inferior and insufficient dowry. The accused also asked the complainant to bring Hero Honda motor cycle from her father. However, her father was not in a position to meet the demand of motor cycle but ultimately he gave a sum of Rs. 35,000/- to the appellant for the said purpose. On 26.6.2000, Surender, brother of the appellant had made an attempt to commit rape upon the complainant. When she raised an alarm, she was given severe beatings by the accused, who dragged her from her hair and turned her out of the matrimonial home.

In support of its case, the prosecution had examined complainant-Mukesh Rani as PW1, Rajbir Singh as PW2 and SI Satya Parkash as PW3.

When examined under Section 313 Cr.P.C., all the accused denied the prosecution allegations and pleaded false implication. In defence, they examined DW1 Rajbir Singh and also tendered in evidence marks D/1 and D/2.

The trial Court after going through the evidence brought on record acquitted the co-accused of the appellant of the charges

against them. The trial Court did not find the appellant responsible for committing the offences under Sections 406 and 506 IPC. He was, however, convicted under Section 498-A IPC and sentenced, as mentioned above.

After hearing learned counsel for the parties and going through the record of the case, this Court finds that the prosecution has led cogent and convincing evidence to establish that the appellant had been treating complainant-Mukesh Rani with cruelty on account of bringing insufficient and inadequate dowry. The appellant had also made an unlawful demand for a motor cycle which the father of the complainant was not able to meet. When the appellant did not mend his ways, the father of the complainant gave an amount of Rs.35,000/- to the appellant for purchasing the motor cycle. The statement of complainant-Mukesh Rani has been duly corroborated by PW2 Rajbir Singh. Under these circumstances, no case is made out for any interference in the impugned judgment of conviction passed by the trial Court to the extent of convicting the appellant under Section 498-A IPC.

Coming to the quantum of sentence, it may be noticed that the appellant has been facing the agony of criminal prosecution for the last more than 14 years. Out of the sentence of two years imposed upon him, he has already undergone a period of more than four months. While being examined under Section 235 Cr.P.C., the appellant had pleaded before the trial Court that he usually remained

ill. The Court has been informed that complainant-Mukesh Rani has since contracted second marriage. Taking into consideration the totality of the circumstances, this Court is of the considered view that no useful purpose will be served by sending the appellant behind the bars, once again, to undergo the remaining sentence of imprisonment imposed upon him. Ends of justice would be best met if the substantive sentence of the appellant is reduced to the one already undergone by him. At the same time, the amount of fine of Rs.5,000/- can be suitably enhanced so as to compensate the complainant.

Resultantly, the conviction of the appellant under Section 498-A IPC is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine of Rs. 5,000/- is, hereby, enhanced to Rs. 40,000/- and in default of the same, the appellant shall undergo rigorous imprisonment for nine months. The entire amount of fine be deposited by the appellant in the Court of Chief Judicial Magistrate, Karnal within a period of three months from today. The entire amount of fine, when deposited, be paid to complainant-Mukesh Rani, as compensation.

The appeal is, accordingly, disposed of.

**May 01, 2015**  
ajay-1

**( T.P.S. MANN )**  
**JUDGE**