

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

CRR No.7 of 2005 (O&M)
Date of Decision:04.03.2015

Vijay @ Bijie

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. P.S.Chauhan, Addl. AG, Haryana.

Mahesh Grover, J. (Oral)

The revision petition has been directed against the order 10.09.2003 passed by Judicial Magistrate, Ist Class, Rohtak whereby the petitioner was convicted for the offence under Section 498-A IPC registered vide FIR No.470 dated 25.08.1994 at Police Station City Rohtak and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-. The appeal filed against the same was dismissed on 26.11.2004.

Learned counsel for the petitioner at the outset submits that the petitioner has undergone two months and 13 days out of total substantive sentence of 1 year. The marriage between the petitioner and the complainant took place on 19.06.1988 and by this time, the parties would be fairly at advanced stage with their children settled in life.

I am in complete agreement with the contentions raised by learned counsel for the petitioner. The marriage which was solemnized in 1988 would imply that the parties with the passage of time moved on in life. At this stage of proceedings when both the sides have already separated it would be travesty to send the

petitioner to undergo rigors of imprisonment in case the petition is declined.

I would deem it to be in the interest of justice to accept the prayer of the petitioner to reduce the sentence of the petitioner to the sentence already undergone primarily for the reason that dispute has arisen out of marital discord and with the efflux of time, same would have been sorted out and instead enhance the fine component, which is assessed at Rs.50,000/- to be paid by the petitioner to the complainant. The amount shall be deposited before the trial court within a period of two months from today for onward transmission to the complaint.

The criminal revision petition stands disposed of.

04.03.2015
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(Mahesh Grover)
Judge