

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

Criminal Revision No. 1002 of 2015 (O&M)

Date of decision: 10.6.2015

Parmod Chawla

.. Petitioner

versus

State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rajesh Hooda, Advocate for the petitioner.

Mr. Raj Karan Singh Brar, Addl. Advocate General, Haryana.

Rajesh Bindal, J.

Challenge in the present petition is to the judgment of the learned lower appellate court, whereby while accepting the appeal filed by the petitioner partly, the sentence awarded to him was reduced to six months' imprisonment. The petitioner herein was convicted under Section 498-A IPC.

As per the custody certificate produced by learned counsel for the State, the petitioner has already undergone actual sentence for a period of 3 months and 24 days upto 8.6.2015.

The contention of learned counsel for the petitioner is that the petitioner had been facing agony of trial for the last about 8 years. The conviction is only under Section 498-A IPC. There was no demand of dowry proved on record. In fact, it had been admitted by the wife of the petitioner that she had been depositing her salary in a joint account maintained with her father. That was the cause of dispute. He further submitted that after divorce, she has already re-married. The prayer is for reducing the sentence to the period already undergone.

On the other hand, learned counsel for the State submitted that the petitioner having been convicted for a matrimonial offence and the learned lower appellate court already having granted him concession while

reducing the sentence from 2 years to 6 months, he does not deserve any further concession.

Head learned counsel for the parties and perused the paper book.

The petitioner has been facing the agony of trial for a period of about 8 years for an offence under Section 498-A IPC. The ex-wife of the petitioner has already re-married. Out of six months imprisonment awarded by the learned lower appellate court, till date the petitioner has already undergone actual imprisonment of three months and 26 days.

Considering the aforesaid factual matrix, while upholding the conviction of the petitioner, the sentence awarded to the petitioner is reduced to the period already undergone. The petitioner is directed to be released from jail forthwith, if not required in any other case.

The petition stands disposed of.

(Rajesh Bindal)
Judge

10.6.2015
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