

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CRR No. 2750 of 2014
Date of decision:- 2.2.2015

Jail Singh

Petitioner

vs.

State of Punjab and anr

Respondent

Present: Proxy counsel for
Mr. IPS Kohli, Advocate.
Mr. JS Brar, AAG, Punjab
Mr. OP Kamboj, Advocate.

M.M.S.BEDI,J.

The petitioner has been convicted on the complaint of his wife Nirmal Kaur alleging that she was married to the petitioner in the year 2005. On account of demand of dowry, motor cycle, coloured TV etc. she was beaten up and turned out of the matrimonial home. The petitioner has been convicted by the trial court to undergo rigorous imprisonment for 1 year u/s 498-A IPC. Appeal filed by him has also been dismissed.

After hearing learned counsel for the parties, I am of the opinion that there is no ground made out to interfere in the conviction order passed by the courts below on fair appreciation of evidence. Since there appears to be a matrimonial dispute between the parties, the petitioner had been asked to deposit a sum of Rs.15,000/- with the Registry. Office report dated 10.1.2015 indicates that fresh notice issued to respondent No.2, has not been received back served or otherwise. Believing the testimony of respondent No.2 Nirmal Kaur, conviction order has been passed against the petitioner. Re-appreciation of evidence will not be an appropriate step in the case, where cruelty of the petitioner stands established from the

testimony of complainant Nirmal Kaur and others in the shape of circumstantial and direct evidence, brought on the record. Taking into consideration the fact that the petitioner has already undergone sentence of imprisonment of 7 months out of 1 year and the incident of cruelty is of 19.8.2011, the ends of justice would be adequately met in case the conviction is upheld and the quantum of sentence is reduced from 1 year rigorous imprisonment to 10 months rigorous imprisonment and fine is enhanced from Rs.2000/- to Rs.25000/- u/s 498-A IPC. It is ordered that in case the sum of Rs.25,000/- is deposited with the trial court, the same will be handed over to the complainant as compensation u/s 357 (1) Cr.P.C. In case of default of payment of fine, the petitioner will undergo simple imprisonment for two months.

With the above modification in the quantum of sentence, the revision petition stands disposed of. The sum of Rs.15,000/- already deposited by the petitioner will also be released to the complainant in addition to the above said amount of Rs.25,000/-.

February 2 ,2015
TSM

(M.M.S.BEDI)
JUDGE