

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

CRR No.2943 of 2011 (O&M)

Date of Decision: 19.10.2016

Mangat Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. K.D. Sachdeva, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

Petitioner-Mangat Ram was convicted by Chief Judicial Magistrate, Ambala, under Section 498-A of the Indian Penal Code in case FIR No.508 dated 24.12.2002 registered at Police Station Baldev Nagar, Ambala and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1500/- or in default to further undergo rigorous imprisonment for a period of three months. The petitioner preferred an appeal against the judgment of his conviction/sentence, which was dismissed vide the impugned judgment of learned Appellate Court i.e. Additional Sessions Judge, Ambala, dated 18.10.2011.

Feeling aggrieved against the judgment of both the Courts below, the petitioner approached this court through the instant criminal revision petition.

Learned counsel appearing on behalf of the petitioner at the very outset states that he is limiting his prayer only to the reduction of

sentence awarded and does not assail the judgment of conviction. The counsel for the petitioner has also affirmed the fact that scope of the revision is very limited, as evidence of the witnesses cannot be reappreciated and revaluated in a revision.

Learned AAG appearing on behalf of the State opposes the reduction in the sentence.

I have heard learned counsel for both the sides.

In brief, the allegations against the petitioner are that he demanded dowry from his wife and subjected her to cruelty. On the basis of the evidence recorded, learned trial court held the petitioner guilty under Section 498-A of the Indian Penal Code and the same came to be affirmed in appeal.

On perusal of judgments of both the Courts below, I am of the considered view that the trial court has rightly appreciated the evidence on the record while holding the petitioner guilty of the charge framed against him. The Appellate Court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the Courts below. Therefore, the conviction of the petitioner is, thus, affirmed.

Even the counsel for the petitioner has not assailed the judgment of conviction and has pleaded for reduction of quantum of sentence, to the period already undergone.

In a judgment rendered in case of “***Yogendra Yadav & Ors vs. State of Jharkhand & Anr***”, ***Criminal Appeal No.1205 of 2014, decided on 21st July, 2014***, the Hon'ble Supreme Court while dealing with the similar situation, was pleased to reduce the punishment of imprisonment of

six months, to the period already undergone. In that case, the appellant was convicted under Section 498-A of the Indian Penal Code and sentenced to undergo six months of imprisonment even though the the appellant therein had undergone imprisonment of only a period of seven days. Similarly, in the case of ***“Lajpat Rai vs. State of Haryana”, Criminal Revision No.1380 of 1999, decided on 24th March, 2009***, this court also was pleased to reduce the sentence, to the period already undergone. In the instant revision petition, the petitioner has been facing protracted litigation for almost 16 years in an FIR that was lodged as far back as in 2002 and the sentence of the petitioner was suspended by this Court, vide order dated 16.12.2011. The complainant had already obtained an *ex parte* decree of divorce as far back as on 19th September, 2011.

Keeping in mind that the petitioner has already undergone more than two months of imprisonment and while relying upon the judgments referred to above, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. However, fine is enhanced to Rs. 5000/- and the same be deposited before the trial Court within a period of two months failing which this petition shall stand dismissed.

With the above said modification, the revision petition is disposed of.

19.10.2016
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No