

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Crl. Revn. No. 1282 of 2016
Date of decision : 03.11.2016

Balwinder Singh @ Soni

.....Petitioner

Versus

State of Punjab and anr.

....Respondents

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. A.P.S. Gill, A.A.G. Punjab

Mr. Himanshu Puri, Advocate
for respondent No. 2

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

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RITU BAHRI, J

Present petition has been filed against the judgment of conviction and order of sentence dated 14.09.2015 passed by the Additional Sessions Judge, Amritsar, vide which the appeal against the judgment of conviction and order of sentence dated 28.03.2014 passed by the Sub Division Judicial Magistrate, Baba Bakala (hereinafter referred to as "the trial Court") was dismissed qua petitioner and co-accused Dalbir Kaur has been acquitted.

The trial Court vide judgment of conviction dated 28.03.2014 convicted the accused-petitioner and co-accused Dalbir Kaur under Section 498-A IPC and sentenced them to undergo rigorous imprisonment.

substantially for period of two years and in default of payment of fine, to further undergo simple imprisonment for a period of one month.

Complaint got registered by the present complainant/respondent against the petitioner and his family member on account of bringing less dowry and harassment caused by the accused.

The trial Court after going through the entire evidence led by the prosecution, came to conclusion that the accused/petitioner and Dalbir Kaur were guilty of the aforesaid offence as the prosecution has succeeded in proving on record its case beyond shadow of any doubt. However, the trial Court acquitted Amarjit Kaur (sister-in-law of the complainant)

The learned Lower Appellate Court has affirmed the findings given by the trial Court but acquitted Dalbir Kaur (mother-in-law of the complainant) . Hence, the present revision petition.

Learned counsel for the petitioner, during the course of arguments, does not challenge the conviction on merits and restricts his prayer to reduce the sentence of the petitioner to the period already undergone by him.

Learned counsel for the petitioner, however, further contends that the occurrence in this case pertains to the year 2008 and a period of almost 08 years have already gone by. Petitioner has already suffered the agony of protracted trial, spinning over a period of time. The petitioner is a first time offender and sole bread earner of the family.

As per custody certificates dated 03.11.2016, the petitioner has already undergone actual sentence of 01 year 07 months and 08 days, out of the substantial sentence of 02 years awarded to him. No other case is pending against him

Having examined the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court. Accordingly, they are upheld. However, a lenient view can be taken on the quantum of sentence of the petitioner.

Accordingly, keeping in view the submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioner. Hence, the conviction of the petitioner under Section 498-A IPC is maintained. The revision is dismissed on merits but the sentence qua the imprisonment of the petitioner is reduced to the period already undergone by him and a direction is given that the petitioner be released to the satisfaction of CJM/Duty Magistrate, Amritsar.

With the above modification, the petition stand disposed of.

03.11.2016

G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>