

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1457-2016 (O&M)

Date of Decision:- 10.08.2016

Jugninder Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.P.S. Virk, Advocate, for the petitioner.

Mr. J.S. Riar, AAG, Punjab.

Mr. Rajnikant Upadhyay, Advocate, for complainant.

RITU BAHRI, J. (Oral)

Present petition has been filed against the judgment of conviction and order of sentence dated 28.01.2016 passed by the Additional Sessions Judge, Sangrur, vide which the appeal against the judgment of conviction and order of sentence dated 19.09.2014 passed by the learned Sub-Divisional Judicial Magistrate, Sunam, (hereinafter referred to as "the trial Court") was dismissed.

The trial Court, vide judgment of conviction dated 19.09.2014, convicted the accused-petitioners under Sections 498-A IPC and sentenced them as under:--

Under Sec 498-A IPC

Two years and six months R.I.
and to pay fine of ₹1,000/- each and in
default of payment of fine, to further
undergo R.I. for 02 months and 15 days

Brief facts of the case are that complainant Balwinder Singh had moved a complaint and submitted that the marriage of his daughter, namely, Amandeep Kaur, was solemnized with Jugninder Singh as per Sikh Religious Rites and Ceremonies. The allegations against Jugninder Singh (husband)) as well as against Gurjinder Singh (father-in-law) were that her daughter, namely, Amandeep Kaur, was married to accused Jugninder Singh on 03.12.2007 and he spent sufficient amount in her marriage. However, her husband and his family started harassing her daughter on account of bringing less dowry. They used to give beatings to her daughter. Thereafter, F.I.R was registered against the petitioners-accused.

The trial Court after going through the entire evidence led by the prosecution, came to conclusion that the accused/petitioners are guilty of the aforesaid offence, as the prosecution has succeeded in proving on record its case beyond shadow of any doubt.

The learned Lower Appellate Court has affirmed the findings given by the trial Court. Hence, the present revision petition.

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

Learned counsel for the petitioners, however, further contends that the occurrence in this case pertains to the year 2007 and period of almost 09 years have already gone by. Petitioners have already suffered the agony of protracted trial, spinning over a period of time. The petitioners are a first time offender. No other case is pending against them.

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 petitioners.

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

However, they are directed to deposit ₹35,000/- each within the next two months i.e before 15.10.2016 before the trial Court, which shall be disbursed thereafter to the complainant.

With the above modification, the present petition stand disposed of.

August 10, 2016

naresh.k

(**RITU BAHRI**)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No