

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 1487 of 2016 (O&M)

Date of Decision: 07.09.2016

Harpreet Singh

.. Petitioner

Vs.

Kulbir Kaur and another

.. Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present:- Mr. Vikas Gupta, Advocate for the petitioner

Mr. Manish Prabhakar, Advocate for respondent No. 1

Mr. V.P.S. Sidhu, AAG Punjab

ANITA CHAUDHRY, J.(ORAL)

The petitioner was tried by the learned Sub Divisional Judicial Magistrate, Khadur Sahib under Sections 498A/406 IPC on the allegations of cruelty and raising unlawful demands of dowry.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, convicted the accused under Sections 498A IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs. 500/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month.

Aggrieved by the judgment the petitioner preferred an appeal before the Addl. Sessions Judge, Tarn Taran, who dismissed the same.

On 19.08.2016 when this revision petition came up for hearing, learned counsel had restricted his prayer only to the quantum of sentence.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the complaint is of the year 2011 and the petitioner has undergone the agony of a protracted trial of five years. He submits that the petitioner is a first offender and is

in custody for the last more than five months and prays for a lenient view.

On the other hand, learned counsel for the complainant and State had opposed the prayer.

Since the findings recorded by the two Courts below have not been contested, conviction of the petitioner is maintained. Considering the fact that the petitioner is the first offender and during this period he has not indulged in any similar offender and that the fact that he has undergone 5 months and 5 days of custody, this Court is of the considered view that ends of justice would met if his sentence is reduced to the period already undergone by him under Section 498-A IPC. Ordered accordingly. There would be no modification with regard to the fine. In case the petitioner has not deposited the fine, the same be deposited within one month and he be released forthwith in this case, if not required in any other case.

With the above modification, the instant revision petition stands disposed of.

September 07, 2016

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**(ANITA CHAUDHRY)
JUDGE**

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No