

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 1581 of 2016

Date of Decision: 05.8.2016

Salwinder Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

1. Revisionist, Avtar Singh has challenged his conviction under Sections 498-A IPC in FIR No. 87 lodged on 8.7.2011 at Police Station Makhu. The Judicial Magistrate Ist Class, Zira convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period one year along with fine of Rs. 2,000/- for commission of offence punishable under Section 498-A IPC.

2. The convict preferred an appeal which dismissed by the Additional Sessions Judge, Ferozepur vide order dated 8.1.2016. The petitioner was taken into custody.

3. Learned counsel for the petitioner has confined his prayer only to the quantum of sentence.

4. I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Punjab.

5. Counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last more than five years as

the incident is of July, 2011 and the petitioner had remained in custody for over 6 months. Learned counsel for the petitioner further contends that the sentence be reduced to the period already undergone.

6. The State counsel has opposed the petition.

7. The FIR is the result of the matrimonial dispute between the parties. The petitioner was convicted by the trial Court vide judgment dated 10.3.2015. His appeal was also dismissed by the Sessions Court on 8.1.2016 and he was taken into custody. The petitioner has remained in custody for more than six months. He has faced protracted trial for about five years. The petitioner is not a previous convict. Keeping the entire conspectus into view, I feel that ends of justice would be met if the sentence awarded to the petitioner is reduced to the period already undergone by him. There would be no modification with regard to the fine. In case the petitioner has deposited the fine, he be released forthwith in this case, if not required in any other case. A copy of this judgment be sent to the Courts below.

With the above modification alone, the revision petition stands disposed.

(ANITA CHAUDHRY)
JUDGE

August 05, 2016
Gurpreet

Whether speaking/reasoned : Yes

Whether reportable : No