

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 160 of 2016 (O&M)

Date of Decision: 08.7.2016

Avtar Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the digest?

Present: Mr. Ajay Kumar Sharma, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

1. Revisionist, Avtar Singh has challenged his conviction under Sections 406, 498-A IPC in FIR No. 77 lodged on 28.7.2007 at Police Station Sudhar. The Judicial Magistrate Ist Class, Jagraon convicted the petitioner and his co-accused and sentenced them to undergo rigorous imprisonment for a period two years along with fine for commission of offence punishable under Section 406, 498-A IPC.

2. The convicts preferred an appeal which was partly allowed by the Additional Sessions Judge, Ludhiana vide order dated 21.12.2012. Petitioner was acquitted under Section 406 IPC. Sentence imposed by the trial Court on the petitioner under Section 498-A IPC was reduced from two years to one year. The petitioner was taken into custody. However, the other co-accused were ordered to be acquitted of the charges framed against them.

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

During the course of arguments counsel for the petitioner has

restricted his prayer only to the quantum of sentence. He contends that the petitioner is a first offender and had faced a protracted trial for the last more than nine years as the incident is of July, 2007 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 25.11.2013. His appeal was also partly allowed by the Sessions Court on 21.12.2015 and he was taken into custody. The petitioner has remained in custody for almost six months. He has faced protracted trial for about nine 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

July 08, 2016
Gurpreet