

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRR No.1895 of 2016 (O&M)**

**Date of Decision: 22.10.2016**

**Avtar Singh and another**

...Petitioner(s)

**Versus**

**State of Punjab**

...Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

**Present:** Mr. S.S. Goraya, Advocate  
for the petitioners.

Mr. VPS Sidhu, AAG, Punjab.

Mr. Vivek Sharma, Advocate for  
Mr. D.S. Pheruman, Advocate  
for the complainant.

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**ANITA CHAUDHRY, J.**

1. The revisionist Avtar Singh and Kashmir Kaur (father-in-law and mother-in-law of the complainant) have challenged their conviction in FIR No.68 dated 19.09.2009, registered under Sections 498-A, 406, 494 IPC, Police Station Dera Baba Nanak, District Gurdaspur. The Sub divisional, Judicial Magistrate, Batala, vide orders dated 19.02.2015 convicted the petitioners and sentenced them to undergo the following punishment:-

| Under Section | Rigorous imprisonment | Fine   | In default of payment of fine simple imprisonment |
|---------------|-----------------------|--------|---------------------------------------------------|
| 498-A IPC     | 1 year                | 2000/- | 1 month                                           |
| 406 IPC       | 1 year                | 2000/- | 1 month                                           |

2. The convicts preferred an appeal which was dismissed by the Addl. Sessions Judge, Gurdaspur vide order dated 09.03.2016. The petitioners were taken into custody. Still not satisfied, this revision was filed.

2. On 21.10.2016, learned counsel for the petitioners had confined his prayer only to the quantum of sentence.

3. I have heard learned counsel for the petitioners and counsel appearing for the complainant as well as learned State counsel appearing for the State of Haryana.

4. The counsel for the petitioners contends that the petitioners have faced a protracted trial for the last seven years as the incident is of August, 2009 and the petitioners had remained in custody for over seven months. Learned counsel for the petitioners submits that the sentence may be reduced to the period already undergone.

5. The State counsel & the complainant side has opposed the prayer and submit that the petitioners have ill-treated the complainant both physically and mentally for bringing less dowry and misappropriated her dowry articles and the Courts below have already taken a lenient view.

6. As the prayer is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioners are affirmed.

As regards the the prayer of reduction is concerned, the FIR in this case was registered on 19.09.2009. The petitioners were convicted by the trial Court vide order dated 19.02.2015. Their appeal was also dismissed by the Appellate Court on 09.03.2016 and they were taken into custody. The petitioners have remained in custody for over 7 months out of 01 year. They have faced protracted trial for about seven years. Keeping the entire conspectus into view, I feel that ends of justice would be met if the sentence awarded to the petitioners is reduced to the period already undergone. There would be no modification with regard to the fine. In case, the petitioners have deposited the fine, they be released forthwith in this case, if not required in any other case.

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

A copy of this judgment be sent to the Courts below.

**(ANITA CHAUDHRY)**  
**JUDGE**

22.10.2016

*'Sunil Sehgal'*

Whether speaking/reasoned : Yes/No

*Whether reportable* : *Yes/No*