

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 1918 of 2016 (O&M)

Date of Decision: 02.12.2016

Jasbir Kaur

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sumeet Singh Arora, Advocate
for the petitioner.

Mr. K.S.Aulakh, AAG, Punjab.

Mr. Tarundeep Kumar, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

1. Revisionist, Jasbir Kaur has challenged her conviction under Sections 494 IPC in FIR No. 68 dated 19.9.2009 at Police Station Dera Baba Nanak. The Sub Divisional Judicial Magistrate, Batala convicted the petitioner and sentenced her to undergo rigorous imprisonment for a period of two years along with fine for commission of offence punishable under Section 494 IPC.

2. The petitioner along with other co-accused preferred an appeal. The appeal qua the petitioner and other co-accused was dismissed by the Additional Sessions Judge, Gurdaspur vide order dated 9.3.2016. However, accused Mohan Singh and Jagir Kaur were acquitted of the charges. The petitioner was taken into custody.

3. I have heard learned counsel for the petitioner as well as

4. During the course of arguments counsel for the petitioner has restricted his prayer only to the quantum of sentence. Counsel for the petitioner contends that he prays for mercy and for reduction of the sentence as the husband is in custody and the child is of six years who was alone.

5. The State counsel has opposed the petition.

6. The fact shows that the complainant was married to Shivkaranjit Singh. Within two months of the marriage the petitioner and Shivkaranjit Singh approached this Court and presented that it was a case of run away couple and sought protection. The argument was that the petitioner did not know that Shivkaranjit Singh was already married. The case projected was that the petitioner was having long affair before they decided to get married.

7. The petitioner has a small child, the father of the child is also in custody, therefore, considering this the sentence is modified to rigorous imprisonment for one year actual sentence under Section 494 IPC (it would not include the remissions) along with fine of Rs. 1,00,000/-. Half of the fine amount deposited would be paid to the complainant.

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

(ANITA CHAUDHRY)
JUDGE

December 02, 2016
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No