

**In the High Court of Punjab and Haryana at Chandigarh**

**Crl. Revision No. 1997 of 2016 (O&M)**

**Date of Decision: 28.9.2016**

Jaipal

.....Petitioner

Versus

State of Punjab

....Respondent

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

Present: Mr. S.K.Choudhary, Advocate  
for the petitioner.

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

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**ANITA CHAUDHRY, J(ORAL)**

1. Revisionist, Jaipal has challenged his conviction under Sections 406, 498-A, 34 IPC in FIR No. 115 lodged on 2.6.2016 at Police Station Sadar Pathankot. The Sub Divisional Judicial Magistrate, Pathankot convicted the petitioner and his co-accused and sentenced them to undergo rigorous imprisonment for a period of three years along with fine for commission of offence punishable under Section 406, 498-A read with Section 34 IPC.

2. The petitioner preferred an appeal which was dismissed by the Additional Sessions Judge, Pathankot vide order dated 5.5.2016. However, sentence imposed by the trial Court on the petitioner under Section 498-A IPC was reduced from three years to two years. The petitioner was taken into custody.

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

5. 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 ten years as the incident is of May, 2006 and the petitioner had remained in custody for over 10 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 16.10.2012. His appeal was also dismissed by the Additional Sessions Judge on 5.5.2016 and he was taken into custody. The petitioner has remained in custody for over 10 months. He has faced protracted trial for about ten years. The petitioner is not a previous convict. A petition under Section 13-B of the Hindu Marriage Act had been filed which had been allowed on 2.12.2013. 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**

**September 28, 2016**  
Gurpreet

**Whether speaking/reasoned : Yes**  
**Whether reportable : No**