

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

Crl. Revision No. 2001 of 2016 (O&M)

Date of Decision: 19.08.2016

Vijay Dutt

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Deepak Bhardwaj, Advocate
for the petitioner.**

Mr. K.S. Aulakh, AAG Punjab.

ANITA CHAUDHRY, J.

The petitioner was tried in FIR No. 408 dated 22.11.2004, registered under Sections 406, 498-A, 506 and 120-B IPC, Police Station Civil Line, Patiala by the learned Judicial Magistrate Ist Class, Patiala on the allegations that he was married to the complainant Sukhbir Kaur on 18.05.2001 and started harassing and maltreating her for bringing less dowry.

During trial, prosecution produced five witnesses.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, convicted the accused under Sections 498-A and 506 IPC and sentenced him to undergo simple imprisonment of one year and to pay a fine of Rs.4000/- under first head while rigorous imprisonment for two months was awarded under second head. In default of fine, simple imprisonment for two month was awarded.

Both the sentences were to run concurrently. The petitioner was acquitted of the charges under Section 406 IPC.

The appeal preferred by the accused was dismissed on 20.10.2014. Hence, this revision petition.

On 12.08.2016, when this revision petition came up for hearing, learned counsel had restricted his prayer only to the quantum of sentence. Limited notice was issued.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the FIR was registered in 2004 and the petitioner has undergone the agony of a protracted trial and thereafter his appeal remained pending and all this exercise took about twelve years. He submits that the petitioner is in custody for the last about eight months and the only bread earner of his family and has aged parents to look after and pray for a lenient view.

On the other hand, learned State counsel had opposed the prayer.

Since the findings recorded by the two Courts below have not been contested, conviction of the petitioner is maintained. The petitioner had faced protracted criminal proceedings for the last more than twelve years. Considering the fact that the petitioner has undergone about eight months of custody, this Court is of the considered view that ends of justice would met if his sentence is reduced to the period already undergone by him under Sections 498-A and 506 IPC. Ordered accordingly. There would be no modification with regard to the fine. In case the petitioner has not deposited the fine, the same be deposited within two months. Petition be

released forthwith, if not required in any other case.

With the above modification, the instant revision petition stands disposed of.

August 19, 2016
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(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned Yes/ No

Whether reportable Yes/ No