

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.221 of 2016 (O&M)
Date of Decision: 01.09.2016

Madan Gopal @ Madan Lal
...Petitioner(s)

Versus

State of Haryana
...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: Ms. Priyanka Dalal, Advocate
for the petitioner.

Mr. Sanjay Kr. Saini, AAG, Haryana,
counsel for the respondent-State.

ANITA CHAUDHRY, J.

1. The revisionist Madan Gopal @ Madan Lal has challenged his conviction under Sections 498-A, 406, 506 IPC in FIR No.239 lodged on 06.09.2008 at Police Station City Dabwali, District Dabwali. The Judicial Magistrate Ist Class, Dabwali vide orders dated 15.09.2012 convicted the petitioner and sentenced him to undergo the following punishment:-

Under Section	Rigorous imprisonment	Fine	In default of payment of fine further imprisonment
498-A IPC	2 years	2000/-	15 days
406 IPC	1 year	1000/-	15 days
506 IPC	1 year	1000/-	15 days

2. The convict preferred an appeal which was dismissed by the Addl. Sessions Judge, Sirsa vide order dated 29.09.2015. The petitioner was taken into custody.

2. On 01.04.2016, learned counsel for the petitioner has confined his prayer only to the quantum of sentence, upon which notice of motion on the limited aspect was issued.

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

4. The counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last eight years as the incident is of September, 2008 and the petitioner had remained in custody for over one year. Learned counsel for the petitioner submits that the petitioner is the only bread earner in the family and this is the first offence committed by him and he has old parents to look after, therefore, his sentence be reduced to the period already undergone.

5. The State counsel has opposed the prayer and submits that the petitioner has ill-treated the complainant both physically and mentally for bringing less dowry, misappropriated her dowry articles and also threatened her with dire consequences and the Courts below have already taken a lenient view.

6. The FIR in this case was registered on 06.09.2008. The petitioner was convicted by the trial Court vide order dated 15.09.2012. His appeal was also dismissed by the Appellate Court on 29.09.2015 and he was taken into custody. The petitioner has remained in custody

for over 1 year and 4 months. He has faced protracted trial for about eight years. 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 not deposited the fine, he shall deposit the same within a period of one month. 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

01.09.2016

'Sunil Sehgal'

Whether speaking/reasoned : Yes/No

Whether reportable : *Yes/No*