

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Crl. Revn. No. 2340 of 2016
Date of decision : 08.08.2016

Ram Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. V.D. Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

* * * *

RITU BAHRI, J

Present petition has been filed against the judgment of conviction and order of sentence dated 03.06.2016 passed by the Additional Sessions Judge, Yamuna Nagar, vide which the appeal against the judgment of conviction and order of sentence dated 25.07.2012 passed by the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhari (hereinafter referred to as "the trial Court") was dismissed.

The trial Court vide judgment of conviction dated 25.07.2012 convicted the accused-petitioner under Sections 498-A IPC and sentenced him as under:-

Under Sec 498-A IPC

One year rigorous imprisonment
and to pay fine of Rs.500/- and in default
of payment of fine, to further undergo
simple imprisonment for 03 months

SAURAV ARORA
2016.08.12 16:20
I attest to the accuracy and
integrity of this document

Brief facts of the case are as that on 09.08.2007, complainant Bohti Devi had moved an application against her husband- Ram Kumar (present petitioner) as well as against her brothers-in-law Kuku Ram, father-in-law Chand and mother-in-law Angrejo Devi levelling allegations that she was married to petitioner on 30.03.2016 and her parents spent sufficient amount in the marriage. However, the petitioner and his family started harassing the complainant on account of bringing less dowry. They used to give beatings to the complainant. They also tried to outrage the modesty of the complainant, regarding which the complainant moved an application before the police on 13.09.2006. Thereafter, F.I.R was registered against the petitioner and his family members.

The trial Court after going through the entire evidence led by the prosecution, came to conclusion that the accused/petitioner is guilty of the aforesaid offence as the prosecution has succeeded in proving on record its case beyond shadow of any doubt. However, the trial Court acquitted Kuku Ram, Jai Chand, Angrejo Devi and Simru Ram.

The learned Lower Appellate Court has affirmed the findings given by the trial Court. Hence, the present revision petition.

Learned counsel for the petitioner, during the course of arguments, does not challenge the conviction on merits and restricts his prayer to reduce the sentence of the petitioner to the period already undergone by him.

Learned counsel for the petitioner, however, further contends that the occurrence in this case pertains to the year 2007 and a period of almost 09 years have already gone by. Petitioner has already suffered the agony of protracted trial, spinning over a period of time. The petitioner is a

first time offender.

As per custody certificates dated 07.08.2016, the petitioner has already undergone actual sentence of 02 months and 04 days, out of the substantial sentence of 01 year awarded to him. No other case is pending against him

Having examined the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court. Accordingly, they are upheld. However, a lenient view can be taken on the quantum of sentence of the petitioner.

Accordingly, keeping in view the submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioner. Hence, the conviction of the petitioner under Section 498-A IPC is maintained and the sentence qua the imprisonment of the petitioner is reduced to the period already undergone by him and a direction is given that the petitioner be released to the satisfaction of CJM/Duty Magistrate, Yamuna Nagar at Jagadhari.

However, he is directed to deposit Rs.15,000/- within the next two months i.e before 10.10.2016 before the trial Court, which shall be disbursed thereafter to the complainant.

With the above modification, the petition stand disposed of.

08.08.2016

G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>