

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR- 3642 of 2015
Date of Decision: March 02, 2016.

Jagdish
.....Petitioner

Versus
State of Haryana.
.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Neeraj Kumar, Advocate
for the petitioner.

Mr.Sushil Gautam, DAG, Haryana.

Rajan Gupta, J (Oral)

Petitioner had been convicted by Judicial Magistrate Ist Class,
Rohtak under Sections 323/149 IPC and was sentenced to undergo
imprisonment as under:-

Offence	Sentence
323/149 IPC	To undergo imprisonment for a period of three months each.

The petitioner preferred appeal before Additional Sessions Judge, Rohtak against the judgment of his conviction/sentence and the same was dismissed vide judgment dated 16.9.2015. Feeling aggrieved against the judgments of both the courts below, petitioner has approached this court through the instant criminal revision.

Learned counsel for the petitioner at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that he is conscious that scope in the revision is very limited as evidence of the

witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:-

On 6.12.2007, complainant-Satyawanti submitted an application to the Incharge, Police Post, Titoli, District Rohtak stating that her husband Sumer Singh had beaten her. When she returned her house at village Jindran, Kavita wife of Sumer Singh, Krishan son of Sube, Ramesh son of Chander and Pappu son of Ramesh had beaten her again. The motive of beating her by the accused was that her husband Sumer Singh had solemnized second marriage with Kavita and now they wanted her not to remain at her matrimonial home. On 7.12.2007, she again reported the incident to the police post. She was also admitted in the hospital and was discharged on 12.12.2007. When she again came to her house, all the above said persons threatened her with dire consequences if she did not leave the house. Under the pressure of fear, she went to her parental home at Sampla. Accordingly, FIR was registered against these persons. On completion of investigation, final report under Section 173 Cr.P.C against the accused was presented before the trial court.

Finding prima facie case under Sections 148, 323, 506/149 IPC, charge was framed against the accused/petitioner to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as four witnesses.

The statement of the accused under Section 313 Cr.P.C was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the same and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of evidence on record, learned trial court held the petitioner guilty of the charges under Sections 323/149 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by Additional Sessions Judge, Rohtak vide orders dated 16.9.2015.

On perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor person and main bread winner of his family. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Daya Nand, Superintendent, District Jail, Rohtak according to which the petitioner has undergone actual custody of 16 days as on 1.2.2016.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to the

period already undergone by him but the petitioner is burdened with a fine of Rs.15,000/- to be paid to the complainant-Satyawanti. The fine be deposited within three months from the date of receipt of certified copy of this order. However, in case fine aforesaid is not deposited within the stipulated period, the modification in quantum of sentence shall stand withdrawn and the petitioner shall undergo the remaining period of sentence as awarded by the trial court.

Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

(Rajan Gupta)
Judge

March 02, 2016.
BB