

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

**Crl. Revision No. 29 of 2016 (O&M)**

**Date of Decision: 30.11.2016**

David Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

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

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

Mr. V.P.S.Sidhu, AAG, Punjab.

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**ANITA CHAUDHRY, J(ORAL)**

1. Revisionist, David Kumar has challenged his conviction under Sections 498-A IPC in FIR No. 77 dated 30.6.2010 at Police Station Kartarpur, Jalandhar. The Judicial Magistrate, Ist Class, Jalandhar convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period of two years along with fine for commission of offence punishable under Section 498-A IPC. However, co-accused of the petitioner were acquitted of the charges.

2. The petitioner preferred an appeal which was dismissed by the Additional Sessions Judge, Jalandhar vide order dated 17.11.2015. The petitioner was taken into custody.

3. Notice was issued on the limited question of sentence.

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

5. Counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last more than six years as

the incident is of June, 2010 and the petitioner had remained in custody for

over one year and one month. 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 20.3.2015. His appeal was also dismissed by the Additional Sessions Judge on 17.11.2015 and he was taken into custody. The petitioner has remained in custody for over one year and one month. He has faced protracted trial for more than six years. The petitioner is not a previous convict. 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**

**November 30, 2016**  
**Gurpreet**

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|----------------------------------|----------|------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes</b> |
| <b>Whether reportable</b>        | <b>:</b> | <b>No</b>  |