

Crl. Revn. No. 326 of 2016 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revn. No. 326 of 2016 (O&M)

DATE OF DECISION: 02.06.2016

Jagir Singh and another

.....Petitioners

Versus

Kanta Rani @ Seema Rani and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
- 2. To be referred to reporters or not? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Ashok K. Sama, Advocate
for the petitioners.

Mr. Kulbhushan Soi, Advocate
for respondent No.1.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

Petitioners, namely, Jagir Singh and Mohindro Bai faced criminal proceedings in complaint case No. 274 of 16.9.2006 filed under Sections 406,498-A,506,148,149 IPC before Additional Chief Judicial Magistrate, Ferozepur. Said complaint was filed by respondent No.1, namely, Kanta Rani @ Seema Rani levelling certain allegations of demand of dowry and harassment. After considering the preliminary evidence and other material available on record, the accused persons were summoned to

face trial for offences punishable under Sections 406,498-A IPC vide order

dated 21.8.2009. Ultimately vide judgment dated 28.4.2015 passed by Additional Chief Judicial Magistrate, Ferozepur, the accused-petitioners, namely, Jagir Singh and Mahindro Bai were held guilty for offences punishable under Sections 498-A and 406 IPC and were sentenced to undergo RI for two years each under Section 498-A IPC alongwith fine of ₹ 4000/- with default clause and RI for two years each under Section 406 IPC. Both the sentences were also ordered to run concurrently. Accused Darshana Rani, Paramjit Kaur and Charanjit Kaur were acquitted of the charges. However, husband of the complainant, namely, Satnam Singh was declared proclaimed offender.

Aforesaid judgment of conviction and order of sentence was challenged by the petitioners by way of filing an appeal before the Additional Sessions Judge, Ferozepur, which was dismissed on 30.11.2015.

Aggrieved by the judgments of both the Courts below, the accused-petitioners have approached this Court by way of filing revision petition by raising various grounds.

After hearing the arguments advanced by learned counsel for the petitioners and when the Court was not inclined to interfere in the judgments of conviction, the learned counsel for the petitioners submits that he does not want to contest the conviction of the petitioners in case the sentence imposed upon them is reduced to the period already undergone. He further submits that the petitioners have faced the agony of trial since the date of filing the complaint i.e. for the last approximately ten years; that they are old persons and are in the age group of 70-75 years and are not previous convicts as no other case is pending against them.

Learned counsel for respondent No.1 submits that judgments of

both the Courts below are well reasoned and are based on proper appreciation of evidence and no leniency is required.

Heard the arguments advanced by learned counsel for the parties and have also gone through the judgments of both the Courts below as well as other documents available on the file.

Although the arguments were raised on merit as well but when the Court was not inclined to interfere with the judgments of conviction passed by both the Courts below, learned counsel for the petitioners prays for reducing the sentence of the petitioners to the period already undergone by them on the ground that they have faced agony of trial since 16.9.2006, are not previous convicts and are old persons. The submission made by learned counsel for the petitioners is accepted, the conviction of the petitioners is upheld and their sentence is reduced to the period already undergone by them.

With the aforesaid modification in sentence, the present revision petition stands disposed of. The petitioners be released forthwith if not required in any other case.

June 02, 2016
pooja

(DAYA CHAUDHARY)
JUDGE