

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Revision No. 4764 of 2015 (O&M)

Date of Decision: 18.02.2016

Pankaj Mittal

.. Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Mohan Singh Rana, Advocate
for the petitioner.**

Ms. Dimple Jain, AAG Haryana.

ANITA CHAUDHRY, J.

The petitioner was tried in FIR No. 164 dated 07.08.2007, registered under Sections 406 and 498-A IPC, Police Station Naraingarh, by the learned Judicial Magistrate Ist Class, Naraingarh on the allegations that he was married to the complainant Nisha Gupta on 25.02.2001 and started harassing and maltreating her for bringing less dowry.

During trial, prosecution produced six witnesses.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, convicted the accused under Section 498-A IPC and sentenced him to undergo simple imprisonment of one year and to pay a fine of Rs.1000/-. In default of fine, simple

imprisonment for one month was awarded. The petitioner was acquitted of the charges under Section 406 IPC.

The appeal preferred by the accused was dismissed on 21.11.2015. Hence, this revision petition.

On 07.01.2016 when this revision petition came up for hearing, learned counsel had restricted his prayer only to the quantum of sentence. Limited notice was issued.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the FIR was registered in 2007 and the petitioner has undergone the agony of a protracted trial and thereafter his appeal remained pending and all this exercise took about eight years. He submits that the petitioner is a first offender and is in custody for the last more than three and a half months and the only bread earner of his family and has aged father to look after and pray for a lenient view. He has relied upon **Sushil Kumar Vs. State of Punjab 2010(1) RCR(Crl.) 48.**

On the other hand, learned State counsel had opposed the prayer.

Since the findings recorded by the two Courts below have not been contested, conviction of the petitioner is maintained. It is a case of broken marriage. There is an

ex-parte decree of divorce. The complainant is also stated to have remarried. The petitioner had faced protracted criminal proceedings for the last more than eight years. Considering the fact that the petitioner is a first offender and he has undergone more than three and a half months of custody, this Court is of the considered view that ends of justice would met if his sentence is reduced to the period already undergone by him under Section 498-A IPC. Ordered accordingly. There would be no modification with regard to the fine, which has already been paid. He be released forthwith in this case, if not required in any other case.

With the above modification, the instant revision petition stands disposed of.

February 18, 2016
Jiten

(ANITA CHAUDHRY)
JUDGE