

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revn. No. 4791 of 2015 (O&M)

DATE OF DECISION: 02.02.2016

Jasbir Singh @ Jasbir

.....Petitioner

Versus

State of Haryana

.....Respondent

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. Gorakh Nath, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

DAYA CHAUDHARY, J.

The present revision petition has been filed to challenge judgment of conviction and order of sentence dated 23/25.2.2015 passed by Judicial Magistrate Ist Class, Rohtak, vide which, the accused-petitioner was convicted for offence punishable under Section 498-A IPC and sentenced to undergo RI for a period of one year and to pay a fine of ₹ 5000/- with default clause. Although the FIR was registered under Section 406 IPC and charge was also framed but the accused-petitioner was acquitted of the charge framed under Section 406 IPC. Aforesaid judgment of conviction and order of sentence was challenged before Additional Sessions Judge, Rohtak by way of filing an appeal, which was dismissed on 26.10.2015 and the judgment of the trial Court was upheld.

Aggrieved by the judgments passed by both the Courts below, the present revision petition has been filed by raising various grounds.

Notice of motion was issued on 11.12.2015 qua quantum of sentence only as learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction.

Learned counsel for the petitioner contends that the petitioner is facing agony of trial since the date of lodging of the FIR i.e. 1.5.2007 and he is not a previous convict. He is having minor children and there is no one else to look after them. Even the complainant has remarried. Learned counsel also contends that the petitioner has already undergone actual custody of more than three months against the total sentence of one year.

Learned counsel for the respondent-State has not disputed the custody period as well as other submissions made by learned counsel for the petitioner.

Keeping in view the limited prayer of the petitioner as he has opted not to contest the conviction; the fact that he is not a previous convict and no other case is pending against him; he is facing agony of trial since the date of lodging of the FIR i.e. 1.5.2007 and has to look after his minor children, the conviction of the petitioner under Section 498-A IPC is upheld and the sentence awarded to him is reduced to the period already undergone by him.

Sentence of fine shall remain the same.

Disposed of accordingly.

February 02, 2016
pooja

(DAYA CHAUDHARY)
JUDGE