

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

Crl. Revision No.3814 of 2016 (O&M)
Date of decision: 26.10.2016

Kanta Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashwani Bhardwaj, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana,

JAISHREE THAKUR, J. (Oral)

The petitioner Kanta Devi had been convicted by the Judicial Magistrate 1st Class, Hisar, in FIR No. 592 dated 17.10.2002 under Sections 498A read with Section 34 IPC and sentenced to undergo simple imprisonment for a period of three months with fine of Rs. 2000/-. In default of payment, she was to suffer simple imprisonment for 15 days. The petitioner herein along with other accused preferred an appeal against the judgment of her conviction, which was dismissed by learned Additional Sessions Judge, Hisar, by the impugned judgment dated 6th October, 2016.

Feeling aggrieved against the judgments of both the courts below, the 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 further 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 counsel for the State, on the other hand, submits that in case conviction of the 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 parties and gone through the record.

Briefly, the prosecution case runs thus:

An FIR came to be registered on a complaint made by Lalita on the allegations that her husband accused Kailash, mother-in-law Kanta, grand father-in-law Ram Chander and grand mother-in-law Maya Devi, harassed her for not bringing sufficient dowry and used to demand more dowry. The complainant showed the inability of her father to satisfy the demands. It was further stated therein that she was maltreated and was asked to bring Rs. 1 lakh and a motor cycle. Since the complainant was not able to satisfy the demands, she was turned out of the house. On the basis of these allegations, an FIR was lodged.

On the basis of the evidence on record, learned trial court held the petitioner—Kanta, Kailash and Ram Chander guilty of offence under Sections 498-A read with Section 34 IPC.

On a perusal of the judgment 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

her. 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 an aged person. He has stated that he is conscious of the fact that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel submits that the petitioner has undergone custody of 23 days till date.

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 her. However, the fine imposed by the trial court shall remain intact.

Except with the modification in the quantum of sentence, as indicated herein above, the appeal stands dismissed.

26.10.2016
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No