

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

**CRR No.2540 of 2009
Date of Decision: 01.02.2017**

Ramesh

.....Petitioner

Vs.

Sheela and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Naresh Kumar, Advocate, for the petitioner.

Mr.Ajit Sihag, Advocate, for respondent No.1.

Ms.Mahima Yashpal, AAG, Haryana/respondent No.2.

RITU BAHRI, J. (ORAL)

The petitioner has come up in revision against the judgment of conviction and order of sentence dated 12.02.2007 passed by learned JMIC, Hansi and impugned judgment dated 15.09.2009 passed by the learned Additional Sessions Judge, Hisar, whereas he was awarded sentence for one years rigorous imprisonment.

The marriage of the complainant/respondent No.1 was solemnized with the petitioner on 31.05.1993, according to Hindu rites. It was averred that a huge amount was spent on the marriage of the complainant by her father, who had recently retired from the military service. The complainant performed all the duties at her matrimonial house after the marriage but in April, 1995, she suffered some attack on which the accused persons put blame on her saying that she was making false excuse and burnt her hand by putting a burning piece of wood on her palm. Even the accused persons did not provide the treatment and due to infection in the hand of the complainant, the wound increased and thereafter the complainant was shunted out of her matrimonial home in three wearing apparels by the accused persons. The complainant was also blamed by the accused persons that she could not deliver any child and she was harassed by her husband the members of his family. Panchayats were convened to sort out the problem but all in vain. The petitioner and his family members were demanded time and again cash, motorcycle, and other valuable items. Even her jewelleryes

were distributed to the daughters of mother-in-law of the complainant. On these allegations, the FIR was registered.

During the pendency of the complainant, a CRM M No12098 of 1998 had been filed by the accused persons before the High Court in which, the proceedings in the complaint against accused No.4 to 9 were quashed. After leading pre-charge evidence by the complainant, remaining accused No.1 to 3 namely Ramesh, Sharde and Telu were charge-sheeted under Sections 498-A read with Section 34 IPC vide order dated 03.03.2005. After framing of charge, complainant appeared in the witnesses box as PW-1 and also examined Om Parkash as PW-2 and the evidence of the complainant was closed. The statement of accused under Section 313 Cr.P.C. recorded, wherein the accused pleaded false implication and claimed innocence. The trial Court held the appellants guilty under Section 498-A read with Section 34 IPC vide judgment of conviction dated 09.02.2007 and they were sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- and in case of default of payment of fine, he shall further undergo RI for two months vide order of sentence dated 12.02.2007. However, the prayer of the accused Sharde and Telu Ram for releasing them on probation was accepted and they were released on probation on their furnishing probation bonds for a period of one year under the Probation of Offenders Act vide the impugned order of sentence. In appeal, learned Addl.Sessions Judge, Hisar, has reduced the sentence from two years to one year and to pay fine of Rs.2,000/- for the offence under Section 498-A and in default of payment of fine, he shall further undergo R.I. for two months. Hence this revision petition.

Learned counsel for the petitioner, at the outset, does not challenge the conviction on merits and restricts his prayer to quantum of sentence. He further submits that vide order dated 08.05.1998, the learned District Judge, Hissar, granted the decree of divorce in favour of complainant with the consent of the petitioner. This fact was admitted by the complainant in her cross examination to which she had admitted that she had contracted second marriage and had two daughters from the second marriage.

In this view of the matter, the present petition is dismissed.

However, a lenient view can be taken on the quantum of sentence. In this case, the complaint was instituted on 20.09.1996. The petitioner has been facing the agony of a protracted criminal trial for the last more than 21 years. As per custody certificate, he has undergone 02 months and 14 days (including remission) in custody. In these circumstances, the sentence of imprisonment awarded to the petitioner is reduced to the period already undergone, subject to the condition that he will deposit an amount of Rs.20,000/- before the State Legal Services Authority, Haryana. With the above modification/direction, the present petition stands disposed of.

(RITU BAHRI)
JUDGE

01.02.2017
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No