

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

**Criminal Revision No.196 of 2011
Date of decision: 06.12.2017**

Lajo Devi and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Malkeet Singh, Advocate,
for the petitioners.

Mr. P.P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J.

1. This is a petition that has been filed seeking to challenge the judgment dated 07.11.2009 and the order of sentence dated 09.11.2009 passed by the Judicial Magistrate Ist Class, Jagadhri convicting the petitioners for offence under Section 498-A IPC while awarding sentence of rigorous imprisonment for a period of one year and to pay a fine of ₹ 1,000/- each and to further undergo rigorous imprisonment for a period of one month in default of payment of fine, as well as the judgment in appeal passed by learned Addl. Sessions Judge, Yamunanagar at Jagadhri while upholding their conviction.

2. Aggrieved against the judgments passed by the learned Courts below the present revision has been preferred by raising various grounds. It is contended by learned counsel for the petitioners that both the Courts below have erred in awarding sentence of one year under Section 498-A IPC. He

prays that both the judgments should be set aside.

3. I have heard learned counsel for the petitioners and have gone through the judgments rendered by the Courts below.

4. In brief, the allegations against the petitioners is that the husband namely Vijay Kumar @ Bobby i.e petitioner No.2 and the mother in law i.e Lajjo Devi-petitioner No.1 demanded dowry from the complainant and subjected her to cruelty. On the basis of the evidence recorded, learned trial court held the petitioners guilty under Section 498-A of the Indian Penal Code and the same came to be affirmed in appeal.

5. On perusal of judgments of both the Courts below, I am of the considered view that the trial court has rightly appreciated the evidence on the record while holding the petitioners guilty of the charge framed against them. The Appellate Court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the Courts below. Therefore, the conviction of the petitioners is, thus, affirmed.

6. Even the counsel for the petitioners has not assailed the judgment of conviction and has pleaded for reduction of quantum of sentence, to the period already undergone.

7. At this stage, learned counsel for the petitioners contends that the petitioners have faced trial since the lodging of the FIR as far back in the year 2009 and that they are not previous convicts and prays for reduction in their sentence to the period already undergone. It is argued that convict Lajo Devi has undergone 01 month and 18 days and convict Vijay Kumar @ Bobby has undergone 01 month and 23 days as on 28.02.2011. In this regard, reliance has been placed on a judgment rendered by this Court in

Jasbir Singh @ Jasbir vs. State of Haryana, 2016(3) R.C.R. (Criminal)

797 and the judgment passed by the Supreme Court in ***Kunjabai vs. State of Madhya Pradesh, 2015(4) R.C.R. (Criminal) 1037*** wherein in similar circumstances the sentence of the appellants was converted to the period already undergone.

8. After hearing learned counsel for the parties and going through the record of the case including the judgments passed, I am of the considered view that there is no infirmity in the well reasoned judgments passed by the learned Courts below. However, in view of the fact that Lajo Devi, who is aged approximately 62 years, and Vijay Kumar @ Bobby, have undergone a substantial period, their sentences for offence punishable under Section 498-A IPC, it is directed that the sentence awarded to the petitioners shall be reduced to the period already undergone by them.

9. Except with the modification in quantum of sentence, as indicated herein above, the revision petition is dismissed. However, the payment of fine is enhanced from ₹ 1,000/- each to ₹ 5,000/- each. The fine to be deposited within one month of receipt of certified copy of this order.

06.12.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.