

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

CRR No. 3350 of 2014 (O&M)

DATE OF DECISION :- September 05, 2017

Mangat Ram

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Sahil Khunger, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

This Revision Petition is directed against the judgment dated 18.7.2014 passed by Additional Sessions Judge, Kaithal vide which he had upheld the judgment of conviction dated 30.9.2011 and order of sentence dated 1.10.2011 passed by the Chief Judicial Magistrate, Kaithal in Criminal Complaint No. 530 of 2008 titled as Mahesh Kumar versus Mangat Ram under Section 211 of Indian Penal Code vide which while convicting accused Mangat Ram he had been sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹5,000/- in default of payment of fine to undergo simple imprisonment for one month.

Briefly stated facts of the case are that petitioner-convict Mangat Ram lodged F.I.R. No. 268 dated 26.9.2006 for offence under Sections 498-A, 304-B read with Section 34 of the Indian Penal Code against Vijay Kumar on the allegations that his sister Rani was married with said Vijay Kumar in the year 2003 and at that time sufficient dowry articles

were given but after marriage Vijay Kumar had been harassing and maltreating Rani asking her to bring more dowry articles. However, since they could not fulfilled such demands, Vijay Kumar gave severe beatings to Rani. Fed up with such maltreatment and cruel behaviour of her husband and his family members, Rani had committed suicide and ligature marks were detected on her neck. After registration of F.I.R., accused Vijay Kumar and his brother Kamaljeet were arrested in that case and after conclusion of investigation, they were sent to face trial. During the course of trial, complainant Mangat Ram, who was author of F.I.R. did not support the prosecution story. However, the Investigating Officer appearing in the witness box as PW11 had stated that he recorded statement of complainant (Ex.PA) without any addition or omission and he had read over the statement to him which he had admitted to be correct and put his signatures thereon. Resultantly, accused were acquitted in the trial of the case registered in F.I.R. No. 268 of 2006,. Therefore, observing that Mangat Ram had made a false case against Vijay Kumar and had committed an offence under Section 211 of the Indian Penal Code, the Court of Sessions Judge through its Stenographer had filed complaint in the Court of Chief Judicial Magistrate, Kaithal. The accused therein was summoned and charge sheeted for offence under Section 211 of the Indian Penal Code. During the course of evidence of prosecution/complainant, four witnesses were examined thereof. Statement under Section 313 Cr.P.C. of accused was recorded, wherein he denied the allegations pleading false implication denying that he had made statement to the police rather stating that he had lost his mental equilibrium due to death of his sister and had signed on blank papers at the

instance of police. He did not lead any evidence in defence. After hearing arguments, the trial Judge convicted and sentenced the accused for offence under Section 211 IPC. The accused preferred appeal against the said judgment of his conviction and order of sentence but was unsuccessful in that appeal which was decided by Additional Sessions Judge, Kaithal. Thereafter, he has filed Revision Petition before this Court. That Revision Petition came up for hearing on 6.4.2015. When it was admitted, his sentence was suspended on an application having been filed but subsequently due to non representation on his behalf that was recalled and as stated by counsel for the petitioner, he surrendered before Chief Judicial Magistrate, Kaithal and was sent to District Jail, Kaithal.

I have heard learned counsel for the petitioner, learned State counsel besides going through the file.

Learned counsel for the petitioner has not challenged the impugned judgments as regards conviction part but regarding the sentence part he has prayed for taking a lenient view submitting that petitioner Mangat Ram aged about 35 years is married having children and that he has got no previous criminal record, that as a matter of fact he was in as state of shock due to death of his real sister and in that way, he has not made any false statement intentionally that he has already undergone 1 year 2 months and 14 days of total sentence out of 2 years rigorous imprisonment imposed upon him. The amount of fine has been deposited. He has prayed for reduction in sentence.

Learned State counsel has opposed the request. But I find that keeping in view the facts and circumstances of the case, including young

age of the petitioner besides being a married person and stated to be sole bread winner of the family and further in the light of the fact that he had lost his real sister in the incident, ends of justice shall be adequately met if impugned judgment is modified as regards sentence part and petitioner is sentenced to imprisonment already undergone by him in this case. It is ordered accordingly.

The Revision Petition stands disposed of. Necessary intimation be given to the quarters concerned.

(H.S. MADAAN)
JUDGE

September 05, 2017
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No