

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

**CRR No.2728 of 2016
Date of decision: 20.02.2017**

Kuldeep Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. A.P.S. Gill, AAG, Punjab.

Mr. Vikas Singh, Advocate,
for respondent No.2-complainant.

Ritu Bahri, J.

This petition has been filed against the judgment dated 19.07.2016 passed by the Additional Sessions Judge, Patiala, setting aside the judgment of acquittal dated 17.12.2015 passed by the Judicial Magistrate Ist Class, Patiala and convicting the accused under Section 498-A IPC

FIR No.291 dated 01.06.2010, under Sections 406/498-A IPC was registered against the accused-petitioner at Police Station, Sadar, Patiala on the basis of complaint made by Bhupinder Kaur-complainant (respondent No.2 herein) to the effect that her marriage was solemnized with Kuldip Kumar-petitioner on 13.12.2007 as per Sikh rites and rituals. Her parents

spent huge amount on the marriage as per their capacity. Soon after the

marriage, her husband (petitioner) and his family members started harassing and humiliating her on the pretext of bringing insufficient dowry. She was also given beatings by them. On one occasion, they tried to put *kerosene* oil upon her, but she was saved by the villagers. A Panchayat was also convened in this regard, wherein the accused had admitted their guilt. On 10.03.2010, accused again demanded a sum of Rs.4,50,000/- from the complainant. On showing her inability to do so, she was given beatings by them. She remained admitted in Rajindra Hospital, Patiala. In this background, the FIR was registered. On completion of investigation, challan was prepared and presented in the Court.

Copies of challan and other documents were supplied to the accused-petitioner free of costs, as envisaged under Section 207 Cr.P.C. Thereafter, finding a prima facie case, charge under Sections 406/498-A IPC was framed against the accused-petitioner, to which, he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined Harchand Singh (PW-1), Bhupinder Kaur-complainant (PW-2), SI Baltej Singh (PW-3), SI Gurwinder Singh (PW-4), Hardeep Singh (PW-4), Veena Rani, Senior Assistant from Rajindra Hospital, Patiala (PW-5), Dr. Satinder Pal Singh (PW-6) and thereafter, the evidence of prosecution was closed by order. On conclusion of the prosecution evidence, statement of the accused-petitioner under Section 313 Cr. P.C. was recorded, wherein entire incriminating evidence was put to him. However, he denied the same and pleaded false implication. He did not lead any evidence in defence.

Trial Court, after going through the evidence led by the prosecution, acquitted the accused-petitioner of the charge framed against

him. Feeling aggrieved, complainant-respondent No.2 preferred an appeal, which has been partly allowed vide judgment dated 19.07.2016 passed by the Additional Sessions Judge, Patiala thereby convicting and sentencing accused-petitioner to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.10,000/- for commission of offence under Section 498-A IPC. Hence, this petition.

Learned counsel for the petitioner, at the outset, does not challenge the conviction on merits and restricts his prayer to quantum of sentence.

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 FIR was registered on 01.06.2010. The petitioner has been facing the agony of a protracted criminal trial for the last more than 6½ years. As per custody certificate, he has undergone 06 months and 27 days (including remission 07 months and 21 days) in custody. Moreover, he is not a previous convict. 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.40,000/- before the trial Court, which shall be paid to the complainant as compensation. After deposit of the aforesid amount, the petitioner be released from the jail forthwith to the satisfaction of CJM/Duty Magistrate, Patiala, if he is not required in any other criminal case.

With the above modification/direction, the present petition stands disposed of.

20.02.2017
ajp

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>