

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRR No.2858 of 2016 (O&M)

Date of decision: 23.05.2017

Satpal and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. J.S. Hooda, Advocate
for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Ravi Malik, Advocate
for the complainant.

RITU BAHRI, J. (ORAL)

Present petition has been filed against the judgment of conviction and order of sentence dated 02.08.2016, passed by the Additional Sessions Judge, Palwal, vide which the appeal against the judgment of conviction dated 16.10.2014 and order of sentence dated 18.10.2014, passed by the learned Judicial Magistrate 1st Class, Palwal (hereinafter referred to as "the trial Court") was upheld.

The trial Court, vide judgment of conviction dated 18.10.2014, convicted the accused-petitioners under Sections 323, 34 and 498-A IPC and sentenced them as under:-

Under Sections 323 & 34 IPC Six months R.I. and to pay fine of ₹ 500/- and in default of payment of fine, to further undergo S.I. for 10 days.

Under Sections 498-A and 34 IPC One year R.I. and to pay fine of ₹ 500/- and in default of payment of fine, to further undergo S.I. for 20 days.

Brief facts of the case are that the complainant-Rekha was married with the petitioner-Satpal, as per Hindu Rituals and Ceremonies on 11.05.2003, sufficient dowry was given to the petitioners, her sister Kavita was already married with Neterpal, the elder brother of Satpal. Soon after the marriage, the petitioners have started to demand one lac in cash and one Maruti car. The members of her in laws have treated her with cruelty. The complainant had tried to convince the petitioners that her parents are not in such a position to fulfill their demand of dowry, but all in vain ultimately, on 30.07.2009, the petitioners along with her sister-in-law Reena confined her in a room. Petitioner-Satpal advanced kick and fist blows. However, petitioner No.3-Rajo caught her from hairs. Petitioners-Rambir and Reena also gave kick and fist blows. The petitioner-Satpal and Reena, her sister-in-law tried to finish her with the help of rope. Despite her prayer she was turned out from her matrimonial abode in bare three clothes. Her parents have tried to patch up the matter but the petitioners remained adamant on their old demand of dowry. On its basis, case has been registered.

The trial Court after going through the entire evidence led by the prosecution, came to conclusion that the accused/petitioner is guilty of the aforesaid offences, as the prosecution has succeeded in proving on record its case beyond shadow of any doubt.

The learned Lower Appellate Court has affirmed the findings given by the trial Court. Hence, the present revision petition.

Learned counsel for the petitioners, during the course of arguments, does not challenge the conviction on merits and restricts his prayer to reduce the sentence of the petitioners to the period already undergone by them.

Learned counsel for the petitioners, however, further contends that the petitioners have already suffered the agony of protracted trial, spinning over a period of time.

Vide order dated 12.08.2016, petitioners were already on bail.

Having examined the impugned judgments, no illegality, much less irregularity has been found therein warranting interference by this Court. Accordingly, they are upheld. However, a lenient view can be taken on the quantum of sentence of the petitioners.

Accordingly, keeping in view the submissions made by the learned counsel for the petitioners, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioners. Hence, the conviction of the petitioners under Sections 323, 34 and 498-A IPC is maintained and the sentence qua the imprisonment of the petitioners is reduced to the period already undergone by them.

An amount of Rs.45,000/- deposited by the petitioners before the trial Court as compensation is ordered to be released in favour of the complainant forthwith.

With the above modification, the present revision petition stand disposed of.

23.05.2017
Dinesh Bansal

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No