

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

CRR-4030-2015 (O&M)

Date of decision : 3.4.2017

Sukhjinder Singh @ Sukha

....Petitioner

versus

State of Punjab and ors

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.S.Sekhon, Advocate for petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

RITU BAHRI, J.

Present revision petition has been filed against the judgment of conviction and order of sentence dated 7.9.2015, passed by the Sessions Judge, Sri Muktsar Sahib, vide which the appeal against the judgment of conviction and order of sentence dated 13.6.2014, passed by the learned Additional Chief Judicial Magistrate Sri Muktsar Sahib (hereinafter referred to as "the trial Court") was dismissed. The trial Court, vide judgment of conviction dated 13.6.2014, convicted the accused-petitioner under Section 498-A IPC and sentenced him as under :-

Under Section 498-A of IPC 2 years RI and to pay a fine of ₹ 300/- and in default of payment of fine, to further undergo RI for 7 days.

Brief facts of the case are that marriage of the complainant was solemnized with petitioner-accused on 5.2.2005 by way of Anand Karaj ceremony at Village Sadar Wala Tehsil and District Muktsar. After the marriage both parties cohabited with each other as husband and wife for about two and half years but no child was born out of the wedlock. At the time of

marriage the parents of complainant gave enough dowry to the accused-

petitioner and his relatives as well. But after few months of marriage the attitude of accused as well as his relatives got totally changed. Accused started abusing and beating to the complainant to bring more dowry from her parents. Complainant tolerated the same with the hope that their behaviour may change on one day or the other but in vain. On 1.4.2007 accused gave severe beatings to complainant to bring a maruti car and thereafter complainant went to her parental home. After some time, complainant came to know from reliable sources that accused has performed second marriage during the subsistence of his first marriage with Veerpal Kaur.

Thereafter, a complaint was registered against the petitioner-accused. 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 petitioner, during the course of arguments, does not challenge the conviction on merits and restricts his prayer to reduce the sentence of the petitioner to the period already undergone by him. Learned counsel for the petitioner, however, further contends that the petitioner has already suffered the agony of protracted trial, spinning over a period of time. He is a first time offender. No other case is pending against him. 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 petitioner. Accordingly, keeping in view the

submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioner. Hence, the conviction of the petitioner under Section 498-A of IPC is maintained and sentence qua the imprisonment of the petitioner is reduced to the period already undergone by him. However, he is directed to deposit ₹ 30,000/- within the next two months i.e before 31.05.2017 before the trial Court, which shall be disbursed thereafter to the complainant. With the above modification, the present revision petition stands disposed of accordingly.

3.4.2017
preeti

(RITU BAHRI)
JUDGE

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