

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

**Crl. Revn No. 4436 of 2015
Date of decision : 19.04.2017**

Tarlok Singh and anr.

.....Petitioners

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.G.S Dhillon, Advocate
for the petitioners.

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

RITU BAHRI, J. (Oral)

Challenge is to the judgment dated 28.09.2015 passed by the learned Addl. Sessions Judge, Sangrur, whereby the learned Addl. Sessions Judge uphold the judgment of conviction dated 09.04.2015 passed by learned Addl. Chief Judicial Magistrate, Sangrur holding the petitioners guilty of offences punishable under Section 498-A/406 IPC and sentenced them to undergo rigorous imprisonment substantially for a period of two years.

The case of the prosecution is that on 19.07.2011, an application was moved by Sukhjit Kaur and Kulwinder Kaur for registration of F.I.R against the accused. The marriage of the complainants was solemnized with petitioners but after sometime, the accused started harassing them on account of bringing less dowry and started demanding money. They also started taunting them.

The trial Court after going through the entire evidence convicted the petitioners and sentenced them to undergo rigorous imprisonment substantially for a period of two years under Sections 406/498-A IPC. The findings of the trial Court have been affirmed by the lower Appellate Court.

During the pendency of the petition, learned counsel for the petitioners does not challenge the conviction on merits and restrict his prayer to the quantum of sentence and this Court vide order dated 08.08.2016 suspended the sentence of the petitioners.

Learned counsel for the petitioners today has placed on record certified copy of statements of complainants given under Section 13-B of the Hindu Marriage Act wherein the complainant Sukhjeet Kaur stated that it has been settled that children will remain in her custody and petitioner-Tarlok Singh will not claim their custody in near future. The matter is settled for a sum of Rs.1,25,000/-, which the petitioner-Tarlok Singh has paid vide draft No. 313319 of Punjab and Sind Bank dated 27.03.2017. Now the complainant will not claim any kind of maintenance in future. The statement is out of her own free will and consent. She further undertakes that she will not file any civil or criminal case against petitioner-Tarlok Singh. To the same effect is the statement given by petitioner- Tarlok Singh.

Similarly, complainant-Kulwinder Kaur stated that it has been settled that one child namely Rehmat Singh will remain in her custody and petitioner-Kulwant Singh will not claim the custody of the minor child in near future. The matter is settled for a sum of Rs.1,25,000/-, which the petitioner-Tarlok Singh has paid vide draft No. 313318 of Punjab and Sind

Bank dated 27.03.2017. Now the complainant will not claim any kind of maintenance in future. The statement is out of her own free will and consent. She further undertakes that she will not file any civil or criminal case against petitioner-Kulwant Singh. To the same effect is the statement given by petitioner- Kulwant Singh.

The copy of statements is taken on record as Annexure A-1 and A-2. The next date for second motion of the parties was fixed for 30.09.2017.

Learned counsel for the petitioner, however, further contends that the occurrence in this case pertains to the year 2011 and a period of 06 years have already gone by. Petitioners have already suffered the agony of protracted trial, spinning over a period of time.

Keeping in view the above facts, the conviction of the petitioners under Sections 406/498-A IPC is upheld but the sentence of the imprisonment awarded to him is reduced to the period already undergone by them.

With the above modification/direction, the criminal revision is disposed of.

(RITU BAHRI)
JUDGE

19.04.2017
G Arora

Whether speaking/reasoned	Yes
Whether reportable	No