

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

**CRR No. 4541 of 2015
Date of decision: 12.12.2017**

Jatinder Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. M. K. Bhatnagar, Advocate,
for the petitioner.

Mr. A. S. Dhaliwal, DAG, Punjab.

None for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

1. This is a revision petition instituted by Jatinder Singh son of Iqbal Singh, who along with his father Iqbal Singh and mother Manjit Kaur were held guilty for committing offence in Complaint Case No. 252/2008/2012, filed under Sections 406 and 498-A of the IPC by the judgment and sentenced by order dated 20.09.2013, passed by the Judicial Magistrate First Class, Amritsar, to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 1000/- each; in default of payment of fine, they were ordered to further undergo simple imprisonment for a period of 15 days.

2. In appeal against the aforesaid judgment, learned Additional Sessions Judge, Amritsar maintained the conviction of revisionist-petitioner herein recorded by the learned trial Court, however, his father Iqbal Singh and mother Manjit Kaur were acquitted. Vide judgment dated 28.07.2015,

the conviction recorded against the revisionist-petitioner and the sentence awarded to him by the learned trial Court were affirmed.

3. Against the impugned judgments dated 20.09.2013 and 28.07.2015, passed by the trial Court as well as by the Appellate Court, accused Jatinder Singh has come up in this revision petition before this Court.

4. In brief, the facts of the case are that complainant Sukhwinder Kaur filed a complaint before the trial Court alleging that her marriage was solemnized with petitioner Jatinder Singh on 31.12.2001 according to Hindu/Sikh rites in the presence of Shri Guru Granth Sahib at Faizpura, Amritsar. At the time of marriage, sufficient dowry was given. The petitioner and his family members were not happy with the dowry. Petitioner Jatinder Singh was addicted to liquor and he used to beat the complainant. Manjit Kaur, mother of the petitioner herein, was a lady of quarrelsome nature. She used to taunt the complainant on one pretext or another and did not allow the complainant to use the kitchen. The petitioner and his family members demanded motorcycle and Rs. 50,000/- but due to the non-fulfillment of the same, the complainant was turned out of the matrimonial home. The accused persons also demanded Rs. 1,00,000/- from the complainant on the marriage of Harpreet Singh who along with Lovedeep Singh was not summoned. The amount of Rs. 23,000/- was handed over to the father of the petitioner. It was also alleged that father of the petitioner had bad eye on the complainant and was forcing her to have illicit relations with him. The complainant and his brother made several requests to the accused to return the dowry articles but they refused to return the same. Matter was reported to the police was no action was taken by the

police. Preliminary evidence was recorded and thereafter accused persons were summoned.

5. From the pre-charge evidence brought by the complainant, finding a prima-facie case made out against the accused, punishable under Sections 406 and 498-A of the IPC, they were chargesheeted accordingly to which they pleaded not guilty and claimed trial. After taking entire prosecution evidence, statements of accused, under Section 313 Cr.P.C., was recorded, wherein accused denied each prosecution allegation and pleaded their innocence.

6. After hearing both the counsel for the parties and appraising the entire evidence and material on record, the accused persons were convicted by the learned trial Court, however, in appeal, the judgment of conviction was maintained by the learned Additional Sessions Judge, Amritsar qua petitioner herein only and his father Iqbal Singh and mother Manjit Kaur were acquitted as mentioned in the earlier part of this judgment.

7. I have heard learned counsel for the parties besides appraising the entire evidence and material on record.

8. After arguing for sometime, learned counsel for the revisionist-petitioner contended that in-fact revisionist has already undergone substantive period of sentence i.e. 05 months and 04 days as per custody certificate produced on file today in the Court. The total period of sentence awarded is two years. Accused-revisionist has already faced protracted trial. He does not assail the findings of the conviction recorded against the revisionist by both the Courts below in case the sentence of revisionist is reduced to the one already undergone.

9. In this regard, reliance has been placed on a judgment rendered

by this Court in ***Jasbir Singh @ Jasbir vs. State of Haryana, 2016(3) R.C.R. (Criminal) 797*** and the judgment passed by the Supreme Court in ***Kunjabai vs. State of Madhya Pradesh, 2015(4) R.C.R. (Criminal) 1037*** wherein in similar circumstances the sentence of the appellants was converted to the period already undergone.

10. From the custody certificate, placed on file today in the Court, it is evident that the revisionist-petitioner has already undergone 05 months and 04 days sentence inclusive of remissions. The total period of sentence awarded is two years. The complaint is of the year 2012 and the revisionist-petitioner has faced protracted trial. Under these circumstances, I am of the considered view that the ends of justice would be met in case the order of sentence is modified by reducing the sentence of revisionist-petitioner to the one already undergone by him.

11. Therefore, the order of sentence dated 20.09.2013 which was affirmed by the learned Additional Sessions Judge, Amritsar vide judgment dated 28.07.2015 is upheld, however, modified by reducing the sentence of the revisionist-petitioner to the one already undergone by him. Furthermore, the sentence of fine shall be enhanced to Rs. 10,000/-.

12. Petition stands disposed of, accordingly.

December 12, 2017

Waseem Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*