

In the High Court of Punjab and Haryana at Chandigarh

CRR- 4194 of 2016(O&M)
Date of Decision: 17.3.2017

Kailash

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Ashwani Bhardwaj, Advocate
for the petitioner**

Ms. Dimple Jain, AAG, Haryana

Rekha Mittal, J.

The present petition directs challenge against consistent findings recorded by the Courts below whereby the petitioner has been convicted and sentenced for commission of offence punishable under Section 498-A of the Indian Penal Code (in short “IPC”). He has been awarded simple imprisonment for a period of one year and to pay a fine of Rs. 1000/- with default stipulation.

Counsel for the petitioner has submitted that he does not press the petition qua merits of the case but he may be heard on the question of sentence.

Custody certificate has already been filed on 17.1.2017.

Counsel has submitted that the petitioner and his mother Kanta Devi were convicted for offence punishable under Section 498-A with the aid of Section 34 IPC and his mother was awarded sentence for a period of three months and fine of Rs. 200/-. It is further submitted that mother of the petitioner filed a separate petition assailing her conviction and sentence and the same stands disposed of vide order dated 26.10.2016 and sentence awarded to her has been reduced to the period already undergone i.e. 23 days. According to counsel, the petitioner has already suffered custody for a period of approximately six months and in the circumstances, substantive sentence awarded to the petitioner may be reduced to the period already undergone.

Counsel for the State has opposed the prayer for reduction in sentence with the submission that the petitioner being the husband certainly stands at a different footing than that of his mother. It is further submitted that the Courts below have taken a very lenient view in awarding sentence of one year for offence punishable under Section 498-A IPC.

I have heard counsel for the parties, perused the paper book.

Marriage of the petitioner with the complainant was performed on 29.4.1998 and the criminal proceedings were initiated vide FIR lodged on 17.10.2002. The petitioner has faced rigmarole of criminal proceedings for the past about 15 years. Perusal of the

custody certificate would reveal that there is no other criminal case registered much less pending against him. He has suffered custody for a period of about six months.

Taking into consideration cumulative view of the facts and circumstances discussed hereinbefore, substantive sentence awarded to the petitioner is reduced to simple imprisonment for a period of nine months. However, sentence with regard to fine with default stipulation shall remain intact.

Petition stands disposed of.

(Rekha Mittal)
Judge

17.3.2017
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No