

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

CRR-1042 of 2017 (O&M)

Date of decision: 18.07.2017

Murti Devi

...Petitioner

Versus

Saroj Rani and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S. Sandhu, Advocate for the petitioner(s).

Mr. Jitender Dhanda, Advocate for respondent No.1.

Ms. Dimple Jain, AAG, Haryana.

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioner has assailed the judgment dated 21.02.2017, vide which, learned Addl. Sessions Judge, Fatehabad, upheld the judgment dated 20.03.2014, passed by learned Addl. Chief Judicial Magistrate, Fatehabad, whereby, the petitioner was convicted under Section 498-A of the Indian Penal Code and sentenced to undergo RI for a period of two years and ordered to pay fine of Rs. 1000/- and in default of payment of fine, to further undergo simple imprisonment for seven days.

On 17.03.2017, the following order was passed:-

“Heard.

No ground for interference in consistent findings recorded by the Courts below with regard to conviction of the petitioner for offence punishable under Section 498-A

IPC is made out. As a consequence, the judgments passed by the Courts below holding the petitioner guilty for committing offence punishable under Section 498-A IPC are affirmed.

Counsel for the petitioner has submitted that the petitioner is a widowed lady aged about 55 years. She faced rigmarole of the criminal proceedings for the past about 7-8 years.

Notice of motion for 27.04.2017 only to hear quantum of sentence.”

The learned counsel for the petitioner states that the petitioner, a widowed lady aged about 55 years, has suffered agony of criminal proceedings for the past 7/8 years. She is a first offender and has never misused the concession of bail during the trial, therefore, a lenient view in the matter of sentence be taken by this Court. As per custody certificate dated 26.04.2017, the petitioner has undergone 02 months and 06 days, out of substantive sentence of two years.

On the other hand, the learned State counsel opposes the prayer of petitioner/accused and supported the judgment of conviction and order of sentence passed by the trial Court.

I have heard the arguments of the learned counsel for the parties and have carefully gone through the record of the case.

The petitioner is a widow and has been living alone. She has suffered the agony of the criminal proceedings for about 7/8 years, which in the opinion of this Court are the mitigating circumstances to treat her with leniency. Accordingly, the prayer made on behalf of the

petitioner is accepted. The sentence awarded to the petitioner is ordered to be reduced to the period already undergone. She be released forthwith, if not required in any other case.

Ordered accordingly.

However, the same shall be subject to payment of Rs. 50,000/- to be paid to respondent No.1 towards compensation within three months from the date of receipt of certified copy of the order. It is made clear that if the amount is not paid within the stipulated period, the present revision petition shall be deemed to be dismissed without any notice.

18.07.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No