

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

Crl. Rev. No.356 of 2017 (O&M)

Date of Decision : June 02,2017

Gurpreet Singh Petitioner

VERSUS

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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Present: Mr. Ravi Malik, Advocate
for the petitioner.

Mr. Sanjay Saini, AAG, Haryana
for the respondent.

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LISA GILL, J. (Oral)

Learned counsel for the petitioner at the very outset does not press this revision petition on merits. Challenge is raised solely qua the quantum of sentence.

The petitioner has been convicted for the offence punishable under Section 498-A IPC and sentenced to undergo simple imprisonment for one year besides pay a fine of ₹5,000/- out of which ₹4,000/- is to be

10.01.2014 passed by the learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri. The appeal preferred by the petitioner has been dismissed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri on 06.1.2017 while upholding the conviction and sentence imposed upon the petitioner.

FIR No. 170 dated 19.4.2006 under Sections 498-A, 406, 506 IPC was registered at Police Station City, Jagadhri against the petitioner and his parents at the behest of the complainant-Smt. Rajni. Allegations of demand of dowry were raised by the complainant. It is stated that the accused persons used to maltreat and harass her on account of bringing less dowry. A Panchayat was convened on 26.03.2006 at Jagadhri but to no avail. Her Istri-dhan and all the dowry articles were misappropriated by the accused persons. However, it is only the petitioner who was proceeded against. His parents were found innocent during investigation. The petitioner was held guilty for the offence punishable under Section 498-A IPC and he was acquitted of the charges under Sections 406 and 506 IPC as the prosecution was unable to prove its case against the petitioner in respect to the said offences.

Learned counsel for the petitioner submits that a petition under Section 13 of the Hindu Marriage Act, 1955 filed by him was allowed on 12.08.2015 (Annexure P1). The complainant it is submitted has since re-married. Furthermore, on the same allegations the co-accused were found innocent during investigation. The petitioner, it is submitted has been facing a protracted trial since the year 2006. It is urged that the petitioner has faced sufficient humiliation within the family and society. He is not involved in any other criminal case. The sentence of one year imposed upon him be

reduced to the one already undergone.

Learned counsel for the State was afforded an opportunity to verify the factum of re-marriage etc. of the complainant. It is submitted by the learned State counsel, on instructions from ASI Balinder Singh, Police Station Jagadhri, that on verification it has been found that the complainant left from the given address about eight (08) years ago. Present address of the complainant is not available and neither could her whereabouts be detected. It is verified that the petitioner is not involved in any other criminal case. As per the custody certificate dated 7.3.2017, the petitioner has undergone actual imprisonment of two months and six days as on 7.3.2017.

Keeping in view the facts and circumstances of the case while maintaining the conviction of the petitioner under Section 498-A IPC, it is considered just and expedient to reduce the sentence imposed upon the petitioner to six (06) months. In addition to the fine of ₹5000/- imposed upon the petitioner, he shall deposit a sum of ₹70,000/- to be paid to the complainant as compensation.

The revision petition is disposed of in the aforesaid terms.

02.06.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No