

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 2014 of 2000**

Bhagwati Prasad Verma, S/o Lakhn Lal Verma, aged 32 years, R/o Borid,
Police Station, Patan, District- Durg, (M.P.) (Now C.G.).

----Appellant**Versus**

State of Madhya Pradesh (Now C.G.).

---- Respondent

For Appellant	:	Mr. S.S. Baghel, Advocate
For Respondent	:	Mr. Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****28/06/2018**

1. This appeal has been preferred under Section 374 (2) of Cr.P.C against the judgment dated 27/07/2000 passed in S.T. No. 382/1999 by the Vth Additional Sessions Judge, Durg convicting the accused/appellant under Section 498-A of IPC and sentenced him to undergo RI for 2 years and to pay fine of Rs. 2,000/- with default stipulation.
2. Case of the prosecution, in brief, is that deceased- Kiran Verma was the wife of the appellant and their marriage was solemnized in the month of May, 1995. It is alleged that after the marriage, the appellant used to treat her with cruelty, abused her and did not allow her to go her parental house. Due to said harassment, she committed suicide on 17/10/1999 by consuming pesticide. The matter was informed by Komal Verma, elder brother of the appellant. Merg was registered and after merg inquiry, offence was registered. Statement of witnesses under Section

161 of CR.P.C. was recorded. A charge-sheet was filed against the appellant. Charges under Section 498-A, 304(b) alternative 306 of IPC were framed by the trial Court. To guilt the accused/appellant, as many as 10 prosecution witnesses were examined by the prosecution. The appellant/accused was also examined under Section 313 of Cr.P.C. wherein he pleaded his innocence and denied all the charges framed against him. After trial, the trial Court has acquitted the accused/appellant from the charges framed under Section 304(b) alternative 306 of IPC and convicted him under Section 498-A of IPC and sentenced him as mentioned in para 1 of this judgment.

3. Learned Counsel appearing for the appellant submits that he does not want to press this appeal on merits and confines his argument to the sentence part only. He further submits that the matter is of the year 1999, the appellant is facing the *lis* since last 19 years and he has no any criminal antecedent. It is further submitted that during trial, the appellant has undergone for about 3 months out of total jail sentence of 2 years, therefore, he prays that the jail sentence awarded to the appellant may be reduced to the period already undergone by him.
4. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
5. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
6. It is not in dispute that the matter relates to the year 1999 and the

appellant is facing the *lis* since about 19 years. Moreover, the appellant has undergone for about 3 months out of total jail sentence of 2 years and no fruitful purpose will be served to again send him in jail after 19 years.

7. Considering the above facts and circumstances, I am of the considered opinion that the ends of justice would be met if, while upholding the conviction imposed upon the appellant, the jail sentence awarded to him is reduced to the period already undergone by him.
8. Consequently, the revision is partly allowed. The conviction of the accused/appellant under Section 498-A of IPC is uphold, however, the jail sentence awarded to him is reduced to the period already undergone by him. The fine sentence is also affirmed.
9. It is reported that the appellant is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge