

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 636 of 2004

1. Dhiraj Kumar Gadewal, S/o. Paras Ram Gadewal, Aged about 26 years,
2. Vimla Bai Gadewal, W/o. Paras Ram Gadewal, Aged about 36 years,
All resident of Badhai Chal, Jarhabhata, Bilaspur, Thana Civil Lines, Bilaspur District Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Incharge, Mahila Thana, Bilaspur District Bilaspur (C.G.)

---- Respondent

For the Applicants : Mr. K.K. Khatri, Advocate
For the Respondent : Ms. M. Asha, P.L.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

27.11.2018

1. This revision is directed against the judgment dated 15.12.2004 passed by the Eight Additional Sessions Judge (FTC) Bilaspur in Criminal Appeal No. 74 of 2001, affirming the judgment of conviction and order of sentence dated 22.03.2001 passed by the Judicial Magistrate, First Class, Bilaspur in Criminal Case No. 319/1997, convicting the accused/applicants under Section 498-A IPC and sentencing them to undergo rigorous imprisonment for 1 year and to pay fine of Rs. 500/- with default stipulation.

2. Facts of the case, in short, are that complainant Bharti was married to accused/applicant No.1 Diraj Kumar in the year 1996. applicant Parasram is father-in-law and Vimla Bai is the mother-in-law of the complainant. The allegation against the applicants is that the applicants are ill-treating, harassing her mentally and physically. After becoming pregnant, the applicants made pressure on the complainant for arranging Rs. 10,000/- from her parents and the complainant went back to her matrimonial home. On the report made by the complainant a case was registered against the applicants u/s 498-A IPC.

3. On being satisfied with the averments of the parties and evidence on record the trial Court convicted and sentenced the accused/applicants as mentioned above. The findings recorded by the trial Court have been affirmed by the lower appellate Court by the Judgment impugned, and it is that which is under challenge in this revision.

4. Learned counsel for the accused/applicants submits that he is not pressing this revision on merits and would confine his argument to the sentence part of the judgment impugned therein. According to him, as the incident had taken place in the year 1996, and that they have already remained in jail for a period of 9 days, no useful purpose would be served in again sending them to jail, and therefore, the jail sentence imposed upon them may be reduced to the period already undergone.

5. State counsel however, supports the findings recorded by both the Courts below.

6. Heard counsel for the parties and perused the material on record.

7. Though counsel for the accused/applicants is not inclined to press the conviction of the accused/applicants on merits, this Court thinks it appropriate to refer to the evidence of the witnesses to ascertain their guilt or innocence and therefore, it proceeds to do so.

8. From the evidence of complainant (PW-1) which has been duly supported by PW-2, PW-3, PW-4 and PW-5 it is clear that after 3-4 months of marriage the accused/applicants started harassing her mentally and physically and demanded Rs. 10,000/- from her. The statements of these witnesses expressing the pathetic tale of PW-1 at the hands of accused/applicants appears to be fully trustworthy and there is no reason for this Court to disbelieve the same. In these circumstances, both the Courts below do not appear to have committed any error in convicting the accused/applicants under Section 498-A IPC. It is hereby affirmed.

9. As regards sentence, keeping in view the fact that the incident had taken place about 22 years back and the applicants have already remained in jail for a period of 9 days, this Court is of the opinion that it would be in the interest of justice to reduce the sentence to the period already undergone by them. Order accordingly.

10. Resultantly, the revision petition is hereby allowed in part with the modification in the judgment impugned as above

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh