

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

Criminal Revision No. 1579 of 2010 (O&M)

Date of decision: 19.7.2018

Jang Bahadur

.. Petitioner

VS

State of Punjab

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Ashok Aggarwal, Advocate, for the petitioner.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

Rajesh Bindal, J.

Present petition has been filed impugning the judgment of the learned Lower Appellate Court whereby the conviction and sentence awarded to the petitioner was upheld.

The petitioner in the present case was convicted under Section 498-A read with Section 120-B IPC and directed to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹ 1,000/-. Fine has been deposited.

Learned counsel for the petitioner submitted that the petitioner has already undergone actual imprisonment of about two months. He further submitted that after the decision of the appeal by the learned Lower Appellate Court, the divorce petition filed by the wife was accepted. The parties have now separated. Two sons were born out of the wedlock, one is living with the petitioner, whereas the other is with the mother. It was

further submitted that though the complaint was filed against the petitioner along with other family members, however, only the petitioner was convicted.

He further submitted that the petitioner does not wish to challenge his conviction, however, keeping in view the developments, which have taken place during the pendency of the present petition, sentence awarded to the petitioner may be reduced to the period already undergone, as the petitioner has grown up son and has to settle his life. The parties have already separated.

After hearing learned counsel for the petitioner, I find merit in the submissions made, keeping in view the developments which have taken place during the pendency of the present petition, as mentioned above, and the fact that the petitioner has undergone actual imprisonment of about two months out of the two years awarded, the sentence awarded to the petitioner is reduced to the period already undergone.

The present petition is disposed of accordingly.

19.7.2018
vs

(Rajesh Bindal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No