

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-3106-2011 (O&M)
Date of decision : 19.01.2018

YogeshwarPetitioner(s)

Versus

State of Haryana ...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ANITA CHAUDHRY, J.

The revisionist Yogeshwar has challenged his conviction in FIR No. 209 dated 29.04.2002, registered under Sections 498-A/406/506/34 IPC at Police Station City Fatehabad, District Fatehabad. The Chief Judicial Magistrate, Fatehabad, vide order dated 23.01.2009 convicted the petitioner and sentenced him to undergo the following punishment:-

Under Section	Rigorous imprisonment	Fine	In default of payment of fine simple imprisonment
498-A IPC	3 years	2000/-	6 months
406 IPC	1 year	1000/-	3 months
506 IPC	6 months	500/-	1 month

The appeal filed by the petitioner was dismissed by the Additional Sessions Judge, Fatehabad on 03.10.2011. Still not satisfied, this revision was filed.

The petitioner is presently on bail. He has undergone more than 9 months of custody and his sentence was suspended.

On 28.03.2012, the counsel appearing for the petitioner had restricted his prayer only to the sentence.

The counsel for the petitioner contends that the petitioner along with his parents were challaned by the police in 2002. The counsel submits that they had faced a trial for over 15 years and his parents were acquitted and his father died after acquittal and his mother is 80 years old. It was urged that the complainant had been treated for her mental illness by the husband and she had admitted that fact in her cross-examination and she stayed in their family for a period less than 2½ years and the sentence be reduced to already undergone. The counsel submits that his mother was bed ridden and there is no-one to look after her.

I have gone through the record.

The complainant had made allegations against the husband and the in-laws. Their marriage took place in 1998. It had come in evidence that the in-laws were living in Himanchal Pradesh where the father-in-law at that point of time was teaching. The allegations levelled were that the complainant had been beaten. No MLR was produced. The petitioner has already remained in custody for over 9 months. He has faced protracted trial for many years. Keeping the entire conspectus into view, I feel that ends of justice would be met if the sentence awarded to the petitioner is reduced to the period already undergone by him. There would be no modification with regard to the fine. In case, the petitioner has not deposited the fine, he shall deposit the same within a period of one month.

With the above modification alone, the revision petition stands disposed.

19.01.2018

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No