

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

Crl. Revision No. 3634 of 2012(O&M)

Date of Decision: 09.10.2018

Jasbir Singh

.. Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Argued by:- Mr. M.K. Sharma, Advocate for
petitioner.**

Mr. Tanuj Sharma, AAG Haryana.

ANITA CHAUDHRY, J.

The petitioner and his father Mahender Singh were tried in FIR No.16 dated 08.01.2001, registered at Police Station Sadar Fatehabad for offence under Sections 406 and 498-A read with Section IPC. The FIR was registered by Amarjit Kaur, his wife on the allegations that after her marriage with petitioner on 29.11.1993 she was harassed, maltreated and beaten by her husband on the instigation of her in-laws for bringing more dowry. It was also alleged that she was thrown out of the house by the accused and her *istridhan* had been misappropriated.

Initially, the investigating agency filed the challan against the petitioner and in-laws, namely, Mahender Singh, Indro Bai, Kaushalya, Balwant Kaur @ Amarjit Kaur, Paramjit Kaur and Darshan Singh, but the latter were discharged and only the petitioner and his father faced the trial.

At the trial, the prosecution examined complainant PW1

Amarjit Kaur, her relatives Jagtar Singh and Puran Singh as Pws2 and PW4

respectively, besides other official witnesses.

The petitioner and his co-accused abjured the trial.

After analyzing the evidence on record, the trial Court vide judgment dated 19.03.2009 acquitted the co-accused. The petitioner was held guilty under Sections 406 and 498-A IPC and was sentenced to undergo rigorous imprisonment for one year and two years respectively. A fine of Rs.1000/- and Rs.2000/- was imposed under the first and second head respectively. In default of payment of fine, he was ordered to further undergo simple imprisonment for one month and three months respectively.

The appeal filed by the petitioner was dismissed by the Court below vide order dated 20.09.2012.

Dis-satisfied therewith, the petitioner has filed the instant revision petition.

I have heard learned counsel for the parties and have perused the paper-book.

A perusal of judgments passed by the Courts below would reveal that the complainant (PW1) had duly proved the case by deposing in so many words that after the marriage she was harassed by the petitioner for brining more dowry and she was given beatings. Being the husband, the petitioner was entrusted with the dowry articles, which he misappropriated. Her statement was duly corroborated by PW2 and PW4. The plea that there was no independent corroboration to the statement is of no consequence. It is a matter of prudence that such like issue remains within four walls of the house. It is settled that scope of interference in exercise of revisional jurisdiction are limited, unless it is shown that the Courts below have erred in law while passing the judgment. Learned counsel for the petitioner has

failed to point any infirmity in the impugned judgments which warrants interference by this Court.

The findings of the Courts below qua conviction of the petitioner under Sections 406 and 498-A IPC are affirmed.

Learned counsel had urged that the petitioner has remained in custody for more than five months and no other case is pending against him. He had further submitted that the matter pertains to the year 2001 and since then the petitioner has undergone the agony of protracted trial for seventeen years. The sentence be reduced. According to him, he was the sole bread earner of the family.

Learned State counsel has not controverted the position that the petitioner is a first offender.

The petitioner has already undergone the agony of protracted trial as well as appeal for more than 17 years. Considering the facts and circumstances of the case and the antecedents of the petitioner coupled with the nature of offence for which he has been convicted, this Court is of the considered opinion that ends of justice would be met if the sentence of the petitioner awarded under Sections 406 and 498-A IPC is reduced to the period already undergone by him. The fine awarded under both the heads would remain intact. It is ordered accordingly. The fine, if not deposited, shall be deposited within a month from today.

With the above modification, the instant revision petition stands disposed of.

October 09, 2018
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No