

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 2187 of 2015 (O&M)

Date of decision : 25.9.2018

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Harcharan Singh

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Kewal Singh, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Arun K. Bakshi, Advocate for respondent No.2.

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H. S. Madaan, J.

Briefly stated, facts of the case are that Harcharan Singh, husband, Pritam Singh father-in-law, Ranjit Kaur mother-in-law of complainant Mamta Rani @ Manpreet Kaur, faced trial, by Judicial Magistrate Ist Class, Hoshiarpur, for offences under Sections 498-A, 406, 323 IPC, on the allegations, that after marriage of the complainant with accused Harcharan Singh on 11.9.2005, all the three accused harassed and maltreated her, subjecting her to cruelty, so as to compel her to bring more dowry articles, going to the extent of giving beatings to her, causing her injuries and turning her out of the matrimonial home and misappropriating her dowry articles.

Pritam Singh accused died during the pendency of the

trial and proceedings qua him stood abated. Whereas Harcharan Singh and Ranjit Kaur were convicted by the trial Court vide judgment and order dated 30.11.2013 and sentenced as follows:-

<i>Name of the convict</i>	<i>Under section</i>	<i>Sentence</i>	<i>Fine imposed</i>
Harcharan Singh	U/s 498-A IPC	Rigorous imprisonment for two years	Rs.200/-, in default rigorous imprisonment for 15 days.
	U/s 406 IPC	Rigorous imprisonment for two years	Rs.200/-, in default rigorous imprisonment for 15 days.
	U/s 323 IPC	Rigorous imprisonment for one year	Rs.200/-, in default rigorous imprisonment for 15 days.
Ranjit Kaur	U/s 498-A IPC	Rigorous imprisonment for two years	Rs.200/-, in default rigorous imprisonment for 15 days.
	U/s 406 IPC	Rigorous imprisonment for two years	Rs.200/-, in default rigorous imprisonment for 15 days.
	U/s 323 IPC	Rigorous imprisonment for one year	Rs.200/-, in default rigorous imprisonment for 15 days.

All the sentences were ordered to run concurrently. Default imprisonment was ordered to be in addition to the substantive sentence. The period of detention already undergone, if any by the convict during the inquiry, investigation and trial of this case was ordered to be set off against the sentenced imposed, as stated above.

Feeling aggrieved, the complainant preferred an appeal to the Court of Sessions seeking enhancement of sentence awarded to the accused-convicts. That appeal, which was assigned to the Additional Sessions Judge, Hoshiarpur, was disposed of vide order dated 19.5.2015, in as much as, it was dismissed.

The accused-convicts had also preferred an appeal to the Court of Sessions, which was assigned to Additional Sessions Judge, Hoshiarpur, who vide detailed judgment dated 19.5.2015, disposed of the same, in as much as, conviction of both the accused was upheld. Sentence of accused Harcharan Singh was also upheld, whereas sentence of Ranjit Kaur was set aside considering that she is a lady, aged about 65 years, having lost her husband and she was ordered to be released on probation. She was directed to pay Rs.60,000/- as compensation to the complainant, whereas Harcharan Singh was taken into custody. He has filed the present revision petition, aggrieved by the judgments of his conviction and order of sentence, passed by the two Courts below.

Notice of the petition was given to the State as well as to the complainant, who had put in appearance.

I have heard learned counsel for the petitioner, learned State counsel assisted by learned counsel for the complainant, besides going through the record.

At the very outset, learned counsel for the petitioner has contended that he does not challenge the impugned judgments passed by the Courts below, on the point of conviction, but keeping in view the facts and circumstances of the case, in as much as, the petitioner is presently aged 41 years, having no past criminal record and further on a petition under Section 13 of the Hindu Marriage Act, having been filed by Mamta Rani @ Manpreet Kaur complainant, marriage between her and Harcharan Singh accused has been dissolved by a decree of divorce, vide judgment and decree dated 11.8.2017, passed

by Additional District Judge, Hoshiarpur, and that the petitioner accused has already undergone about 3 months of sentence, further the petitioner is ready to pay compensation to the complainant, as such a lenient view be taken and sentence be reduced.

Learned counsel for the complainant states that the complainant is rearing up young son of the parties, namely, Master Piyush, aged about 12 years, who is a student of 6th class and petitioner accused be directed to pay substantial amount, which can be utilized for proper bringing up and education of the minor son.

Considering the submissions, made by learned counsel for the petitioner -accused and pleas put forward by learned counsel for the complainant, I am of the view that ends of justice would be adequately met, if while maintaining conviction of the petitioner accused for offence under Section 498 A, 406 and 323 IPC, his sentence is reduced to the one already undergone by him, in this case which is 2 months and 29 days, as per custody certificate filed by the State counsel. It is ordered accordingly. He is directed to pay a sum of Rs.1,50,000/- as compensation to the complainant, which amount has been got paid to the complainant by the petitioner in the Court itself.

With such modifications in the impugned judgments, the present petition is partly accepted.

25.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No