

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

CRR No. 2344 of 2015

DATE OF DECISION :- July 16, 2018

Mukesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Jagpal Singh, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mukesh and his father Mohan Lal, both of them being accused in F.I.R. 320 dated 14.6.2006 for offences under Sections 498-A, 406 IPC registered with Police Station City Karnal faced trial by Judicial Magistrate Ist Class, Karnal on the allegations that complainant Pooja was married with accused Mukesh on 1.5.2005 and at the time of marriage her parents had spent a considerable amount giving dowry articles, which formed her Istridhan but were entrusted to both the accused. However, after the marriage both the accused committed criminal breach of trust and they had been harassing and humiliating Pooja so as to force her to bring more dowry articles. That trial ended in conviction of Mukesh and Mohan Lal and they were sentenced for those offences as follows vide order dated 20.3.2012 :-

Accused Mukesh

1. Under Section 498-A IPC. Three years SI and to pay a fine of Rs.5000/- and in default of payment of

fine, to under SI for one month.

2. Under Section 406 IPC Three years SI and to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo SI for one month.

Accused Mohan Lal.

1. Under Section 498-A IPC. Three years SI and to pay a fine of Rs.5000/- and in default of payment of fine, to under SI for one month.
2. Under Section 406 IPC Three years SI and to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo SI for one month.

Feeling aggrieved, both the accused-convict had preferred an appeal to the Court of Sessions, which was assigned to Additional Sessions Judge, Karnal, who vide judgment dated 28.5.2015 accepted the appeal partly and acquitted Mohan Lal of the charge framed against him, whereas regarding accused Mukesh, sentenced awarded to him was reduced from three years to two years respectively for offences under Sections 498-A and 406 IPC, whereas maintaining the fine part intact.

Still feeling aggrieved, Mukesh has filed the present Criminal Revision Petition before this Court, notice of which was given to the State.

I have learned counsel for the petitioner and learned State counsel besides going through the record.

At the very outset, learned counsel for the revisionist has argued that he does not challenge the judgments passed by the Courts below as regards conviction of the revisionist for offences under Sections 498-A and 406 IPC though he has got submissions to make with regard to the sentence which according to him is on higher side. Learned counsel for the revisionist has submitted that Mukesh was aged about 31 years at the time

of conviction; that he does not have any past criminal record; he has already undergone about 1 year in custody; he has got a family comprising old parents, wife and two children to look after, as such a lenient view in the matter be taken.

Considering the circumstances explained by counsel for revisionist and in view of the fact that he has undergone total sentence of 9 months and 5 days of imprisonment as per custody certificate place on record by the State counsel, I am of the view that ends of justice shall be adequately met if, while maintaining the conviction of the accused-revisionist for offence under Sections 498-A and 406 IPC, his sentence is reduced to one already undergone by him in this case while keeping the fine part intact. It is ordered accordingly. The fine is said to have been deposited.

With such modification, the judgments passed by the Courts below are set aside. The Criminal Revision Petition stands disposed of.

(H.S. MADAAN)
JUDGE

July 16, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No