

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.2182-2017

DATE OF DECISION:-04.12.2018

USHA RANI

...PETITIONER...

V.

STATE OF HARYANA AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. P.K. Gupta, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision petition, the wife of the complainant has sought enhancement of sentence awarded to respondents No.2 to 4 by the trial court, vide order of sentence dated 02.03.2017, whereby, they were sentenced to undergo rigorous imprisonment for 4 years and pay fine of Rs.10,000/- each under Section 306 read with Section 34 IPC. In default of payment of fine, to further rigorous imprisonment for 6 months each.

Learned counsel for the petitioner contends that considering the gravity of offence committed by respondents No.2 to 4, the trial court ought to have awarded maximum punishment of 10 years prescribed under Section 306 IPC. The trial court has failed to appreciate that deceased-Pankaj Khanna had committed suicide on account of intensive harassment by respondents No.2 to 4, leaving behind a suicide note mentioning their names.

learned counsel for the petitioner, this Court finds the instant petition completely devoid of any merit for the reasons to follow:-

1. Respondents No.2 to 4 have already been made to suffer protracted trial for 9 years, inasmuch as, FIR No. 114 was registered on 11.06.2009.

2. Under Section 306 IPC, an accused can be punished with imprisonment of either description for a term, which may extend to 10 years, besides imposition of fine.

Since, the trial court in its wisdom, considering overall facts and circumstances, awarded rigorous imprisonment of 4 years to respondents No.2 to 4 and learned counsel for the petitioner has not been able to show any extra ordinary circumstance, which requires enhancement in the sentence of respondents No.2 to 4, the impugned judgment of conviction dated 28.02.2017 and order of sentence dated 02.03.2017, is upheld, which are based on appreciation of facts and circumstances brought by the prosecution before it.

Dismissed.

04.12.2018

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whether speaking/reasoned:

whether reportable:

(RAMENDRA JAIN)

JUDGE

Yes/No

Yes/No