

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 757 of 2008

Mahendra Soni S/o. Shyam Lal Soni, Aged about 32 years, village
Dhobhar, Police Station Pendra, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Pendra, District
Bilaspur (C.G.)

---- Respondent

For the Applicant : Mr. Siddharth Pandey, Advocate

For the Respondent : Mr. Aman Kesharwani, P. L.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

28.02.2019

The judgment under challenge in this revision petition is dated 06.11.2008 passed by Additional Sessions Judge Pendraroad, in Criminal Appeal No. 33/2008, affirming the judgment dated 29.04.2008 passed by the Judicial Magistrate First Class, Pendraroad, in Criminal Case No. 364/2006, convicting the accused/applicant under Sections 498-A and sentencing him to undergo RI for 2 years with fine of Rs. 200/- plus default stipulation.

2. Facts of the case, in short, are that complainant Sonu was married to accused/applicant on 12.05.2003. After the marriage,

complainant Sonu was residing along with the applicant in her matrimonial house. After one year of marriage the applicant demanded money for purchasing the tractor and since the demand remained unfulfilled, he started subjecting the complaint to cruelty. It is the allegation against the applicant that being the husband he was not keeping his wife well and he was having an illicit relation with other lady. Thereafter, she went to her matrimonial house at Shahdol and on 18.08.2006 FIR (Ex. P-5) was lodged by the complainant (PW-1) against the accused/applicant at Police Station Pendra. After filing of charge-sheet, the trial Court framed the charge against them under Section 498-A IPC.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Section 498-A IPC and sentenced him as above, which on appeal has been affirmed by the judgment impugned. Hence, this revision.

4. Conviction is not being pressed on merit and the sole prayer made by the counsel for the applicants is confined to reduction of sentence imposed on the accused/applicants to the period already undergone on account of the fact that the case is quite old and the accused/applicants have already remained in jail for some time.

5. State counsel however, supports the findings recorded by the both the Courts below.

6. From the testimony of the Complainant (PW-1), it is clear that for few days after marriage she was treated well by the accused/applicant but with the passage of time he started ill-treating her. Record also shows that once the accused/applicant raised demand of money for purchasing the tractor and when the complainant expressed her inability he again started subjecting her to cruelty by beating, manhandling etc. Thus the ingredients of cruelty contained under Section 498-A are fully attracted to the case of the prosecution and being so both the Courts below do not appear to have committed any illegality in holding him guilty as such. His conviction under Section 498-A IPC is hereby maintained.

7. As regards sentence, keeping in view the fact that the incident had taken place in the year 2006, that the accused/applicant has already remained in jail for a period of 29 days and further that by now he must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone.

8. With the above, the revision stands allowed in part.

Sd/-

(Vimla Singh Kapoor)

JUDGE

santosh