

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 658 of 2004**

Shankar Lal Chhuttani, aged about 32 years, S/o Late Shri Gurnamal Sindhi, R/o Prabhakar Painter Ke Baaju Baniyapara Ward Dhamtari, District Dhamtari (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer Kanker, Police Station Dhamtari(C.G.).

---- Respondent

For Applicant	:	Mr. Y.C. Sharma, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

31/01/2019

1. This revision has been preferred against judgment dated 28/12/2004 passed in Criminal Appeal No. 364/2003 by the Additional Sessions Judge, Dhamtari arising out of judgment dated 12/12/2003 passed in Criminal Case No. 1743/1997 by the Chief Judicial Magistrate, Dhamtari (C.G.), the Applicant stands convicted under Section 498-A of the IPC and Section 4 of the Dowry Prohibition Act and sentenced to undergo RI for 2 years with fine of Rs. 500/- and RI for 3 months with fine of Rs. 200/-, respectively with default stipulations.
2. As per prosecution story, in the year 1995 marriage between the Applicant with Complainant Savita was solemnized. It is alleged that after marriage, the Applicant and his mother started cruelty with the

Complainant on the demand of dowry. A report was made by the Complainant. On the basis of said report, offence has been registered. After investigation, a charge-sheet has been filed.

3. After trial, the learned Chief Judicial Magistrate convicted and sentenced the Applicant as mentioned in paragraph one of this order, which was also affirmed by the Appellate Court. Hence, this revision.
4. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. It is further submitted that the matter is of the year 1997, the Applicant is facing the *lis* since 21 years and out of total jail sentence of 2 years, he has undergone about total 12 days, the Applicant and the Complainant have already taken divorced in the year 2002 and they are living separately, therefore, he prays that the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 2 years, the Applicant has undergone about 12 days and he is facing the *lis* since 21 years, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to

him is reduced to the period already undergone by him and the fine imposed upon under Section 498-A and Section 4 of the Dowry Prohibition Act is enhanced to Rs. 40,000/- and Rs. 10,000/-, respectively. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo SI for 6 months under Section 498-A of the IPC and SI for 1 month under Section 4 of the Dowry Prohibition Act. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

8. Consequently, the revision is partly allowed to the extent indicated above.
9. It is reported that the Applicant/accused is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge