

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.132 of 2005

1. Sanjeev Chakravorty S/o. Narayan Chakravorty, Aged about 25 years,
 2. Narayan Chakravorty S/o. Sindhu Chakravorty, Aged about 50 years,
 3. Jharna Chakravorty W/o. Narayan Chakravorty, Aged about 46 years,
- All of resident of Pakhanjure, District Kanker (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through District Magistrate Kanker District Kanker (C.G.)

---- Respondent

For the Applicants : Mrs. Ranjana Jaiswal, Advocate
For the Respondent : Mr. A.N. Bhakta Dy. Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

13.02.2019

The judgment under challenge in this revision petition is dated 11.03.2005 passed by Additional Sessions Judge Kanker, in Criminal Appeal No. 46/2004, affirming the judgment dated 27.04.2004 passed by Judicial Magistrate First Class Bhanupratappur, in Criminal Case No. 427/1998, convicting the accused/applicants under Sections 498-A/34 IPC and 4 of the Dowry Prohibition Act and sentencing them to undergo RI for 6 months with fine of Rs. 100/- u/s. 498-A/34 IPC, RI for 6 months

with fine of Rs. 100/- u/s 4 of the Dowry Prohibition Act plus default stipulation.

2. Facts of the case, in short, are that immediately after marriage of the complainant with the applicant No.1, he along-with other accused persons started harassing her raising demand of Rs. 50,000/-.It is alleged that even after the complainant took Rs. 12,000/- from her parents and gave it to the accused/applicants, they did not stop there cruel behaviour towards her and continued harassing her in order to get their demand fulfilled. Ultimately, on matter being reported to the Police, offences under Section 323, 498-A/34 IPC and section 4 of the dowry prohibition act were registered against the accused/applicants followed by challan being laid and charge framed.

3. Learned Magistrate having perused the material before it convicted the accused/applicant under Sections 498-A/34 IPC and 4 of the Dowry Prohibition Act and sentenced them 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 witnesses including the complainant (PW-1) it appears that just after the marriage, the accused/applicants who happen to be her husband and in-laws, started treating her with cruelty for demand of Rs. 50,000/-. The said demand on their part did not cease to exist even after she got Rs. 12,000/- from her parents and paid the same to the applicants. This fact is further crystallized from the statements of the parents of PW-1. Thus, the prosecution has established its case beyond all reasonable doubt that the accused/applicants subjected the complainant to cruelty just after marriage. The Courts below has been fully justified in passing the order impugned. Conviction of the accused/applicants is thus maintained.

7. As regards sentence, keeping in view the fact that the incident had taken place in the year 1998 that the accused/applicants have already remained in jail for about a period of 22 days and further that by now they must be leading a well settled life saddled with innumerable responsibilities, this Court thinks it proper to reduce the sentence imposed on them to the period already undergone.

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

Sd/-

(Vimla Singh Kapoor)
JUDGE