

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 174 of 2007

1. Dharamlal S/o. Shri Sunaram Sahu, Aged about 22 years,
 2. Sunaram S/o. Shri Sarvaram Sahu, Aged about 55 years,
- Both are residents of village Sel, Police Station Kasdol, District Raipur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station Kasdol, District Raipur (C.G.)

---- Respondent

For the Applicants : Mr. Santosh Kumar Sahu, Advocate
For the Respondent : Mr. Aman Kesharwani, P.L.

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

05.02.2019

1. This revision is directed against the judgment dated 07.04.2007 passed by the Additional Sessions Judge Balodabazar, District Raipur (C.G.) in Criminal Appeal No. 03 of 2007, affirming the judgment of conviction and order of sentence dated 28.02.2007 passed by the Judicial Magistrate, First Class, Balodabazar, in Criminal Case No. 1192/2002, convicting the accused/applicants under Section 498-A IPC and sentencing them to undergo simple imprisonment for 1 year and to pay fine of Rs. 500/- each with default stipulation.

2. Facts of the case, in short, are that complainant Nirupa Bai was married to accused/applicant No.1 Dharamlal. Applicant Sunaram is father-in-law of the complainant. After the marriage, complainant was residing along with the applicants in her matrimonial house. Thereafter, applicants began to harass her and demanded a sum of Rs. 40,000/- and one motorcycle from her. Thereafter, she was sent to her matrimonial house after due advice, but the applicants again started harassing and treating the complainant with cruelty by demanding dowry. On 28.05.2001 FIR (Ex. P-1) was lodged by the complainant against the accused persons at Police Station Kasdol. After filing of charge-sheet, the trial Court framed the charge against them under Section 498-A IPC.

3. On being satisfied with the averments of the parties and evidence on record the trial Court convicted and sentenced the accused/applicants as mentioned above. The findings recorded by the trial Court have been affirmed by the lower appellate Court by the Judgment impugned, and it is that which is under challenge in this revision.

4. Learned counsel for the accused/applicants submits that he is not pressing this revision on merits and would confine his argument to the sentence part of the judgment impugned therein. According to him, as the incident had taken place in the year 2001, and that they have already remained in jail for a period of about 25 days, no useful purpose would be served in again sending them to jail, and therefore, the jail sentence

imposed upon them may be reduced to the period already undergone.

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

6. Heard counsel for the parties and perused the material on record.

7. Though counsel for the accused/applicants is not inclined to press the conviction of the accused/applicants on merits, this Court thinks it appropriate to refer to the evidence of the witnesses to ascertain their guilt or innocence and therefore, it proceeds to do so.

8. From the evidence of complainant (PW-1) which has been duly supported by PW-2, PW-3, PW-4 and PW-5 it is clear that after 4-5 years of marriage the accused/applicants started harassing her mentally and physically and demanded Rs. 40,000/- and one motorcycle from her. The statements of these witnesses expressing the pathetic tale of PW-1 at the hands of accused/applicants appears to be fully trustworthy and there is no reason for this Court to disbelieve the same. In these circumstances, both the Courts below do not appear to have committed any error in convicting the accused/applicants under Section 498-A IPC. It is hereby affirmed.

9. As regards sentence, keeping in view the fact that the incident had taken place about 18 years back and the applicants have already remained in jail for a period of about 25 days, this Court is of the opinion that it would be in the interest of justice to

reduce the sentence to the period already undergone by them.
Order accordingly.

10. Resultantly, the revision petition is hereby allowed in part
with the modification in the judgment impugned as above

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh