

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 433 of 2004

1. Komal Sahu S/o. Sawant Ram Sahu, Aged about 34 years,
 2. Sawant Sahu S/o. Pusau Ram Sahu, Aged about 49 years,
 3. Mahadev Sahu S/o. Sawant Sahu, Aged about 33 years,
 4. Sohadara Bai W/o. Sawant Sahu, Aged about 39 years,
 5. Kewara Bai W/o. Mahadev Sahu, Aged about 26 years,
- All resident of village Nipani, P.S. Gurur, District Durg (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station (SHO) Gurur,
District Durg (C.G.)

---- Respondent

For the Applicants : Mr. Aman Kesharwani, Advocate
For the Respondent : Mr. I. Lakra, Dy. Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

13.02.2019

By the impugned judgment under challenge passed on 23.08.2004 by Additional Sessions Judge Balod, District Durg in Criminal Appeal No. 245 of 2002, the findings recorded by the learned Judicial Magistrate First Class, Balod, have been modified.

2. Facts of the case, in short, are that complainant Duleshwari Bai was married to accused/applicant No.1 in the year 1995 and came to her in-laws house after *gouna* in the year 1996. After the

marriage the applicants started beating her on the demand of dowry and thrown her out alleging that the child was born from her was not the son of the applicant No.1 and kept all the gold ornaments of the complainant (PW-1) in their possession. FIR (Ex.P-2 and Ex.P-3) were lodged by the complainant (PW-1) against the accused/applicants in Police Station. 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 modified 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) duly supported by her father (PW-2) it is apparent that just after *gauna* ceremony when the complainant came to the house of the applicants, they started ill-treating her for demand of dowry. Records also shows that once the accused/applicants had

disowned the child born to the complainant being the illegitimate one and had also grabbed the ornaments belonging to her. All these things clearly demonstrate that the applicants put the complainant to cruelty for more than one reasons and being so their conviction under Section 498-A is well founded and no interference therewith is called for. It is hereby maintained.

7. As regards sentence, keeping in view the fact that the incident had taken place in the year 1998, that the accused/applicants namely Komal, Samant Ram, Mahadev, Sohadara Bai and Kewara Bai have already remained in jail for a period of 1 months 2 days, for 16 days, for 16 days, for 15 days and for 12 days respectively 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

santosh