

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : October 31, 2019

1. Criminal Revision No. 861 of 2011 (O&M)

Datar Singh and anotherPetitioners

versus

State of HaryanaRespondent

2. Criminal Revision No. 2003 of 2013 (O&M)

SantoshPetitioner

versus

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms Munisha Gandhi, Senior Advocate with
Mr. Viraj Gandhi, Advocate, for the petitioners in
CRR-861-2011 and for respondents no. 2 to 4
in CRR-2003-2013

Mr. Amrik Narwal, DAG Haryana for the State

Mr. SP Chahar, Advocate and
Mr. Gurveer Sidhu, Advocate, for the petitioner in
CRR-2003-2013 and for complainant in CRR-861-2011

Fateh Deep Singh, J. (Oral)

The aforesaid criminal revision petitions are being
disposed of by this common order as the same are arising out of

one and the same impugned judgment/order.

Revisionists Datar Singh and Sandeep Singh along with Bimla were tried in a case bearing FIR No. 142 dated 20.5.2000, under Sections 498-A, 406, 506,34 IPC, Police Station Ganaur, District Sonapat and through its judgment order dated 9.5.2019/11.5.2019, the court of learned Sub Divisional Judicial Magistrate, Ganaur, Datar Singh was found guilty for commission of offence under Sections 406/498A IPC and Sandeep Singh and Bimla were found guilty for the commission of offence under Section 498-A IPC. Convicts Datar Singh and Sandeep Singh were sentenced to undergo imprisonment for one year each and to pay a fine of Rs 300/- each and in default of payment of fine, to further undergo RI for 15 days each under Section 498-A IPC. Convict Datar Singh was further sentenced to undergo RI for one year under Section 406 IPC. However, convict Bimla was ordered to be released on probation. The convicts aggrieved over this finding filed an appeal against their conviction.

The State had also filed appeal for enhancement of punishment awarded to the convicts. It is through judgment dated 1.2.2011, the court of learned Additional Sessions Judge, Sonapat dismissed both the appeals.

Still unsatisfied the convicts had come up in this criminal revision with the aid of Section 401 Cr.P.C. before this Court. The complainant Santosh had also filed revision for enhancement of punishment to the accused.

At the very onset, learned senior counsel for the petitioners/revisionists stated that she does not wish to assail the findings recorded by the by courts below and would be satisfied if the sentence awarded to the petitioners is reduced to the one already undergone. She has further submitted that petitioner-Datar Singh has already undergone the entire sentence awarded to him and petitioner Sandeep Singh has undergone 01 month and 13 days out of the maximum awarded sentence of one year. It is further contended that the petitioners are suffering pangs of this prosecution since the year 2000 and thus for more than 19 years the Sword of Damocles is hanging over their head.

Though the learned State counsel assisted counsel for the complainant does not disputes the fact of this long suffering by the petitioners but has opposed the prayer of the petitioners on the ground that they have ill-treated the complainant and therefore, are not entitled to any concession. Counsel for the complainant has also prayed that some compensation may be awarded to the

complainant.

Keeping in view that for more than 19 long years the petitioners Datar Singh and Sandeep Singh had been suffering for this and petitioner Datar Singh has already undergone the entire sentence and petitioner Sandeep Singh has also undergone sufficient period of incarceration, the ends of justice would be met if the sentence awarded to both the petitioners is reduced to the period already undergone by them, maintaining the imposition of fine. They are also directed to pay Rs. 20,000/- to the complainant as compensation, which shall be deposited in the court of learned Chief Judicial Magistrate, Sonapat who after issuing notice to the complainant, pay the same to her.

With the aforesaid modification in the quantum of sentence, CRR-861 of 2011 stands dismissed.

Since the private respondents in CRR-2003-2013 have already suffered pangs of this prosecution for the last 19 years and petitioner Datar Singh has already undergone the entire sentence and petitioner Sandeep Singh has already undergone sufficient period of incarceration, no sufficient ground for enhancement of sentence awarded is made out. There is no heinousness attached to such offences which are pure matrimonial dispute and cannot be

counted on account of cruelty in the stricter sense. No illegality or perversity could be pointed out in impugned order by the counsel for the petitioner. The revision petition bearing CRR-2003-2013, thus, being without any merit also stands dismissed.

October 31, 2019

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(Fateh Deep Singh)

Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>