

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

Crl. Revision No. 2820 of 2009 (O&M)
Date of decision: 12.2.2020.

Sher Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Bhupinder Pal Kaur Brar, Advocate,
for the petitioner.

Mr. S.S. Sandhu, AAG, Punjab.

JAISHREE THAKUR, J.

1. By judgment dated 8.7.2006, the petitioner herein was convicted by the Chief Judicial Magistrate, Fatehgarh Sahib, for the offence punishable under Sections 498-A and 406 IPC and sentenced to undergo imprisonment in the following terms:-

Section	Sentence of imprisonment	Sentence of fine	In default
406 IPC	RI for one year	₹ 500/-	15 days
498-A IPC	RI for one year	₹ 500/-	15 days

2. Aggrieved against his conviction and sentence of imprisonment, the petitioner filed an appeal before the Additional Sessions Judge, Fatehgarh Sahib, which was dismissed on 16.3.2009. Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant revision petition.

limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He further states that he is conscious that scope in revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

4. Learned counsel for the State, while filing the custody certificate, submits that in case conviction of the petitioner is maintained the court may reduce the sentence as deemed appropriate in the circumstances of the case.

5. I have heard learned counsel for both the parties and gone through the record.

6. Briefly, the prosecution case runs thus:

7. A FIR came to be registered on a complaint made by Jaswant Kaur alleging that she was married to the petitioner on 26.2.1995, as per Sikh rites. Two female children were born out of this wedlock. The parents of the complainant had given sufficient articles to the complainant at the time of her marriage. It was alleged that various gold ornaments were given to the accused persons mentioned in the complaint. Still the accused persons used to harass her and started taunting the complainant for bringing less dowry and demanded more cash from the complainant. Ultimately on 16.12.1998, the complainant was turned out of her matrimonial house after being beaten and was asked to come back only if she fulfills the demand of ₹20,000/-. The dowry articles which were given to the complainant at the time of marriage were not returned to her, despite the fact that she requested return of the same. After investigation, a police report under sections 173 (2)

Cr.P.C. was presented before the Judicial Magistrate for offences under

Sections 406 and 498-A IPC.

8. Prosecution in order to prove its case examined HC Jatinderpal Singh as PW1, Jaswant Kaur (complainant) as PW2, ASI Balwant Singh as PW3, HC Gurmeet Singh as PW4, Baldev Singh Granthi as PW5, Balwinder Singh DSP as PW6, Jaswinder Singh Photographer as PW7 and Bhupinder Singh as PW8. In defence, accused examined Parkash Singh as DW1, Joga Singh as DW2 and Ajit Singh as DW3. On the basis of the evidence on record, learned trial court held the petitioner guilty of offence under Section 406 and 498-A IPC. In appeal the conviction was maintained.

9. On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

10. Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner has already undergone actual sentence of 9 months and 21 days out of the substantive sentence of imprisonment of one year. He has stated that he is conscious of the fact that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

11. This Court in the case of **Sohan Lal v. State of Punjab 1979 CLJ (Criminal) 113**, wherein the accused was first time offender and had undergone the sentence of 3-1/2 months, reduced his sentence to the period

already undergone by him. Similarly, in the case of **Balwinder Singh v. State of Punjab CRR No.2574 of 2012 decided on 31.10.2012**, this Court has reduced the sentence of the accused therein under Sections 323, 325 and 326 IPC.

12. Keeping in view the facts and circumstances of the case, where the petitioner has undergone substantial part of his sentence, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. However, the fine imposed by the courts below shall remain intact. Except with the modification in the quantum of sentence, as indicated herein above, the revision stands dismissed.

12.2.2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No