
(2008) 02 P&H CK 0350

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Appeal No. 765-SB of 1997

Ranjit Singh and Others

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Feb. 27, 2008

Acts Referred:

- Penal Code, 1860 (IPC) - Section 304B, 498A

Citation: (2008) 2 RCR(Criminal) 452

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Advocate: P.S. Hundal, with Mr. R.S. Sidhu, for the Appellant; Amit Chaudhary, Assistant Advocate General, Punjab, for the Respondent

Judgement

Kanwaljit Singh Ahluwalia, J.

Ranjit Singh, Pardip Singh and Surinder Kaur were tried in case FIR No. 106 dated 27.9.1995 registered at Police Station Sarhali u/s 304-B IPC. (The learned trial Court acquitted the accused for offence u/s 304-B IPC, but convicted u/s 498-A IPC).

2. Jaswant Kaur alias Jaspreet Kaur was married on 4.12.1994 according to Sikh rites with Ranjit Singh appellant. Pardip Singh is father and Surinder Kaur is mother of Ranjit Singh, husband of Jaswant Kaur alias Jaspreet Kaur. It is stated that due to the harassment Jaswant Kaur had died unnatural death. Sometime before 27.9.1995, it was stated that Scooter was being demanded. It was also stated that Jaspreet Kaur had died due to poison. Viscera of deceased Jaswant Kaur was sent to Chemical Examiner who detected aluminium Phosphide. Petitioners were tried for an offence u/s 304-B IPC.

3. Learned trial Court acquitted them for an offence u/s 304-B IPC but convicted them for an offence u/s 498-A IPC. The learned trial Court after convicting appellants u/s 498-A IPC sentenced them to three years rigorous imprisonment, fine of Rs. 1,000/-. In default of payment of fine, to undergo rigorous imprisonment for six

months.

4. Mr. P.S. Hundal, learned senior counsel who is assisted by Mr. R.S. Sidhu, Advocate, has been instructed by Mr. Sidhu to say that no appeal against acquittal of the appellants u/s 304-B IPC or no revision has been filed by the complainant. Therefore, acquittal of the appellants for an offence u/s 304-B IPC has attained finality.

5. A perusal of the judgement reveals that the conviction of petitioners for an offence u/s 498-A IPC cannot be challenged. A young lady within ten months of marriage had died within the four walls of her in-laws.

6. Mr. Hundal at this stage has stated that he will not be assailing the conviction of petitioners but praying that since the occurrence pertains to year 1995 a period of 13 years has lapsed and petitioners have suffered a protracted trial, therefore, he prays that sentence of petitioners should be reduced. It has been stated before me that in the head note of the judgement of trial Court, age of Pardip Singh is recorded as 67 years and now he is 80 years old and age of Surinder Kaur is recorded as 55 years and she is now 65 years old. Protracted trial is a one circumstance which weighs in favour of the petitioners for reduction of sentence. Old age of two petitioners Pardip Singh and Surinder Kaur is also to be taken into consideration.

7. Taking the totality of circumstances into account, sentence of Ranjit Singh is reduced from three years to two years and sentence of Pardip Singh and Surinder Kaur is reduced from three years to one & half years. However, sentence of fine is enhanced from Rs. 1,000/- to Rs. 10,000/- qua each accused, which shall be deposited within three months. If in case the fine is not paid within three months, the present appeal shall be deemed to have been dismissed and no benefit of reduction of sentence shall accrue to the petitioners.

With these modifications, the present revision petition is disposed off.