

(2014) 07 P&H CK 0755

High Court Of Punjab And Haryana At Chandigarh

Case No: Crl. Revision No. 2794 of 2013 (O&M)

Satnam Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 18, 2014

Acts Referred:

- Penal Code, 1860 (IPC) - Section 406, 498-A, 506

Hon'ble Judges: Rekha Mittal, J

Bench: Single Bench

Advocate: Vaibhav Narang, Advocate for the Appellant; Param Preet Singh Paul, DAG,
Advocate for the Respondent

Final Decision: Disposed Off

Judgement

Rekha Mittal, J.

The present petition lays challenge to the judgment dated 6.8.2013 passed by the Additional Sessions Judge (Ad hoc), Fast Track Court, Amritsar whereby the appeal preferred by the petitioner against his conviction and sentence by the trial court for offence punishable under Sections 498-A, 406, 506 of the Indian Penal Code (for short "IPC") was dismissed and the judgment of conviction and order of sentence were affirmed.

2. On January 15, 2014, notice of motion was issued to hear the parties on quantum of sentence.

3. Counsel for the petitioner contends that the petitioner has already suffered custody for a period of more than one year out of substantive sentence of two years for offence punishable under Sections 498-A and 406 IPC when otherwise, the substantive sentences are ordered to run concurrently. It is further submitted that the petitioner suffered trauma of criminal proceedings for the past about 11 years. It is submitted that the substantive sentence awarded to the petitioner may be reduced to the period already undergone.

4. Custody certificate filed in court, is taken on record.

5. Counsel for the State of Punjab has submitted that two cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "the Act"), mentioned in column No. 9 of the custody certificate, are pending against the petitioner and he has been convicted in another case under the Act on 27.3.2014. It is further submitted that keeping in view character of the petitioner, he does not deserve any leniency in sentence.

6. I have heard counsel for the parties and perused the case file.

7. The criminal proceedings which culminated into judgments passed by the courts below, have arisen out of marital disharmony. The FIR was registered against the petitioner in the year 2003 and he has suffered trauma of criminal proceedings for the past about 11 years. The co accused in the case, against whom there were allegations of misappropriation of dowry articles as well as causing cruelty to the complainant in connection with demand of dowry, were acquitted by the court below. The petitioner has also been booked in three cases under the Act from the year 2010 onwards. However, there is nothing on record to suggest that the petitioner ever created any impediment in the administration of criminal justice or delay in conclusion of proceedings is attributable to him

8. Keeping in view gamut of facts and circumstances discussed hereinbefore, the substantive sentence awarded to the petitioner for offence punishable under Sections 406 and 498-A IPC is reduced to rigorous imprisonment for a period of one year and six months.

9. The petition stands disposed of with modification in the aforesaid terms.