

(2005) 10 DEL CK 0092

Delhi High Court

Case No: Criminal Revision Petition 675 of 2005 and Criminal M.A. 8974 of 2005

Amardeep Singh

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Oct. 7, 2005

Acts Referred:

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

Citation: (2005) 124 DLT 113 : (2005) 2 DMC 715

Hon'ble Judges: R.S. Sodhi, J

Bench: Single Bench

Advocate: Sidharth Luthra and Ranjan Gupta, for the Appellant; M.N. Dudeja, for the Respondent

Judgement

R.S. Sodhi, J.

This revision petition is direct against the order dated 23rd August, 2005, in C.A. 122/03 passed by Additional Sessions Judge, Delhi, whereby the learned Judge has dismissed the appeal arising out of judgment and order dated 17th August, 2002 and 9th September, 2002, of the Metropolitan Magistrate, whereby the learned Magistrate has convicted the Petitioner u/s 498-A/406 IPC and sentenced him to undergo SI for six months with a fine of Rs. 5000/- u/s 498-A IPC and further sentenced him to pay a fine of Rs. 20,000/- u/s 406 IPC.

2. Counsel for the Petitioner submits that he is not in a position to challenge the judgment of conviction on merits but confines his arguments only to the question of sentence. He submits that the Petitioner is the only earning member of the family and that his continuous incarceration will cause grave constraints to the livelihood of the family. He submits that during the pendency of this revision petition the father of the Petitioner has died and his aged mother has no other person to look after her but him. He further submits that the Petitioner has already deposited the fine of Rs. 20,000/- u/s 406 IPC as also paid a fine of Rs. 5,000/- u/s 498-A IPC. He

prays that the sentence of imprisonment of the Petitioner be reduced to the period already undergone.

3. Counsel for the State on the other hand contends that the trial court has already been lenient and no further reduction is called for.

4. Having heard Counsel for the Parties and having taken into consideration the totality of circumstances and also considering the fact that the trial court has thought it proper to award a nominal sentence, while upholding the Order of conviction, I reduce the sentence of imprisonment of the Petitioner from six months SI to three months SI u/s 498-A IPC. Rest of the sentence shall remain the same.

5. Crl.Rev.P.675/2005 and Crl.M.A.8974/2005 are disposed of. dusty