
(2010) 03 P&H CK 0039
In the Punjab And Haryana At Chandigarh
Case No : Criminal Appeal No. 462-SB of 1999

Gurmej Kaur @ Ajmer Kaur and Others	APPELLANT
Vs	
State of Punjab	RESPONDENT

Date of Decision : 25-03-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 315, 498A

Citation : (2011) 1 DMC 747 : (2010) 3 RCR(Criminal) 867

Hon'ble Judges : H.S. Bhalla, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

H.S. Bhalla, J.—This criminal appeal is directed against the judgment of conviction/sentence dated 29.4.1999 passed by the Sessions Judge,

Hoshiarpur vide which the Appellants were convicted of the offences punishable under Sections 498-A, 315, 120-B, IPC and sentenced them to

undergo maximum punishment of RI for two years with fine of Rs. 500 each under Sections 498-A, 315, 120-B, IPC.

2. The learned Counsel appearing for the Appellants, at the very outset has contended that he does not challenge the conviction of the Appellants

on merits and confines his arguments only to the point of quantum of sentence. He further submits that a case under the said sections was registered

against the Appellants in the year 1995. He also submits that the matter has been compromised between the parties. The present, Appellants were

convicted and sentenced by the Trial Court. He further submits that during this period, the Appellants have been facing mental agony of the trial

and a sword of conviction has been persistently hanging over their head since then. He, therefore, prays that a lenient view be taken against the

Appellants. He has further submitted that keeping in view the facts and mitigating circumstances of the Appellants, as also the fact that they are poor persons, some leniency be shown against the Appellants in the matter of sentence.

3. Since the prayer made by the learned Counsel for the Appellants has been restricted only on the quantum of sentence, therefore, in order to avoid repetition of facts in the judgment herein, I do not consider it necessary to recapitulate the same again, since they have been narrated in the judgment of the Court below in details.

4. I have considered the submissions raised by the learned Counsel for the Appellants. It is no doubt true that since the date of registration of the case, the Appellants have been facing mental stress and agony for the last more than 13 years and more once the matter has been compromised between the parties, in such like circumstances, I am of the view that ends of justice would be amply met if a lenient view in the matter of sentence is taken against the Appellants. Accordingly, (sic) a lenient view against the Appellants, I direct that conviction recorded against the Appellants shall be maintained, but the period of sentence of two years already awarded to them by the Court below is reduced to the period, which they have already undergone.

5. With this modification in the matter of sentence, the appeal filed by the Appellants is dismissed.