
(2000) 08 AHC CK 0016
In the Allahabad High Court
Case No : Criminal Revision No. 101 of 2000

Gyasi	Vs	APPELLANT
State of U.P. and Another		RESPONDENT

Date of Decision : 29-08-2000

Acts Referred:

Penal Code, 1860 (IPC) — Section 494, 498A

Citation : (2001) 1 ACR 436

Hon'ble Judges : B.K. Rathi, J

Bench : Single Bench

Judgement

B.K. Rathi, J.—The applicant was convicted for offence under Sections 498A and 494, I.P.C. and was sentenced to various terms of imprisonments by order dated 23.5.1997, by Judicial Magistrate Ist/Civil Judge (Junior Division), Lalitpur. Against that order the applicant preferred Criminal Appeal No. 3 of 1997, which have been allowed in part by order dated 17.1.2000, passed by Additional Sessions Judge/Special Judge (D.A.A.), Lalitpur. The conviction for offence u/s 494, I.P.C. has been set aside. However, the conviction u/s 498A, I.P.C. has been maintained and he has been sentenced to two years R.I. and to pay a fine of Rs. 2,000. Aggrieved by it the present revision has been preferred.

2. I have heard Sri S.P. Sharma, learned Counsel for the applicant, Sri V.S. Kushwaha, learned Counsel for the opposite party No. 2 and the learned A.G.A.

3. Learned Counsel for the applicant has not challenged the conviction for offence u/s 498A, I.P.C. After going through the judgment, I do not find any illegality in the conviction.

4. Learned Counsel for the applicant has confined his arguments on the question of sentence only. It is contended that the applicant surrendered on 1.5.2000 and is in jail since last about four months. That the sentence of two years R.I. and fine of Rs. 2,000 is very severe sentence. That no injury has been caused and there is no injury report on record.

5. Considering the arguments while maintaining the conviction, I modify the sentence and the applicant is sentenced for offence u/s 498A, I.P.C. to undergo imprisonment for the period for which he had been in jail and to pay a fine of Rs. 2,000. In default of payment of fine he shall undergo R.I. for three months. The applicant shall be released forthwith on deposit of fine.