

Sahdev Meshram Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jan-23-2013

Appellant : Sahdev Meshram

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Shishir Kumar Soni

Judgement :

CRR.No.2386/2012 Criminal Revision No.2386/2012 23.1.2013 Shri Shishir Kumar Soni, counsel for the applicant.

Shri S.K.Kashyap, Public Prosecutor for the State/respondent.

As prayed, heard the learned counsel for the parties finally.

The learned JMFC, Balaghat (Shri Mahesh Lachoriya) vide judgment dated 30.5.2012 in criminal case No.1642/2009, convicted the applicant for the offence punishable under section 498-A of IPC and sentenced for six months rigorous imprisonment with fine of Rs.1,000/-.

In criminal appeal No.238/2012, the learned Additional Judge to FiRs.Additional Sessions Judge, Balaghat vide judgment dated 23.11.2012, dismissed the appeal in toto.

Being aggrieved with the judgments passed by both the Courts below the applicant has preferred the present revision.

The prosecution's case, in short, is that, the complainant is the wife of the applicant.

Their marriage took place on 23.5.2006, thereafter, the complainant was being harassed for so many things.

She was directed to bring a sum of Rs.30,000/- and a motorcycle from her parents and thereafter, on 23.8.2007, she was ousted from the house.

The CRR.No.2386/2012 complainant had lodged an FIR before the Police Station Kotwali, District Balaghat.

Thereafter, a charge-sheet was filed against the applicant and other co-accused persons.

The learned JMFC, after considering the evidence adduced by the prosecution, convicted the applicant for the offence punishable under section 498-A of IPC and sentenced as mentioned above.

The appeal filed by the applicant was dismissed in toto.

The learned counsel for the applicant prays for reduction of the sentence only and therefore, it appears that the learned counsel for the applicant does not challenge the conviction directed against the applicant.

There is concurrent opinion of both the Courts below, relating to the conviction directed against the applicant.

Looking to the evidence adduced against the applicant, there is no reason by which any interference can be done in the concurrent view taken by both the Courts below.

So far as the sentence is concerned, the applicant is in the custody since 24.10.2012 and therefore, he remained in the custody for approximately three

months.

It is apparent from the record of the trial Court that on 21.11.2012, the complainant appeared before the Court and submitted an CRR.No.2386/2012 affidavit that not she is residing with the applicant comfortably and therefore, compromise may be accepted.

Looking to that affidavit, it is a fit case, in which the applicant may be released, without any delay, as he has already remained in the custody for three months approximately.

It is a fit case, in which looking to the subsequent conduct of the applicant and his wife, the applicant should not be kept in custody any more, otherwise, family life of the complainant would be spoiled.

On the basis of the aforesaid discussion, the revision filed by the applicant is hereby partly allowed.

The conviction directed against the applicant for the offence punishable under section 498-A of IPC is maintained but, sentence is reduced to the period, which he has already undergone in the custody.

Office is directed for issuance of the supersession warrant, so that the applicant may be released, without any delay.

Copy of the order be sent to both the Courts below for information and compliance.

Certified copy as per rules.

(N.K.GUPTA) JUDGE Pushpendra

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