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Amardeep Singh Vs. State

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SooperKanoon Citation : sooperkanoon.com/708371

Court : Delhi

Decided On : Oct-07-2005

Reported in : 124(2005)DLT113; II(2005)DMC715

Judge : R.S. Sodhi, J.

Acts : Indian Penal Code (IPC) - Sections 406 and 498A

Appeal No. : Crl.Rev.P. 675/2005 and Crl.M.A. 8974/2005

Appellant : Amardeep Singh

Respondent : State

Advocate for Def. : M.N. Dudeja, Adv.

Advocate for Pet/Ap. : Sidharth Luthra and; Ranjan Gupta, Advs

Judgement :

R.S. Sodhi, J.

1. 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 under Section 498-A/406 IPC and

sentenced him to undergo SI for six months with a fine of Rs. 5000/- under Section 498-A IPC and further sentenced him to pay a fine of Rs. 20,000/- under Section 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/- under Section 406 IPC as also paid a fine of Rs. 5,000/- under Section 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 under Section 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

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