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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-1508-2007 (O&M)

Reserved on:04.07.2025

Pronounced on: 27.08.2025

Pushpinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Gulshan Sharma, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J.

Challenge in the present revision petition has been preferred against the judgment dated 05.06.2007 passed by the learned Additional Sessions Judge, Kapurthala, which upheld the judgment of conviction and order of sentence, passed by the learned Sub Divisional Judicial Magistrate Sulanpur Lodhi, dated 01.12.2003 qua the petitioner, whereby he was convicted and sentenced to undergo imprisonment along with fine as under:-

| Sentence under Section | Sentenced to RI | Fine | In default of payment of fine |
|------------------------|------------------|------------|-------------------------------|
| 498-A IPC | RI for two years | Rs.2,000/- | RI for 01 month |

Factual Matrix

2. Briefly put, the facts emerging from the judicial record are that the statement of the respondent-wife was recorded on 19.04.2002



before the police to the effect that at the time of her marriage to the petitioner herein, a considerable amount was spent by her family and various dowry articles were given. However, shortly after, her mother-in-law, brother-in-law and her husband Pushpinder Singh (petitioner herein) started taunting her for bringing less dowry. The complainant was even subjected to beatings, but the matter was compromised with the intervention of respectable and relatives. On 14.04.2002 at about 11:00 AM, her mother-in-law abused her and demanded a refrigerator, while her husband slapped her, caught her from the hair and threw her on the ground, whereupon her mother-in-law gave kick blows to her in her waist. In the meantime, Krishna wife of Manohar and Nanty wife of Chanan Ram came there and rescued the complainant from the hands of the accused. After that, her father along with her maternal uncle came there and took her to Civil Hospital, Sultanpur Lodhi for her medical treatment. On the basis of this statement, a ruqa was sent to the police station for registration of the case and consequently, the instant FIR was registered. Statement of the witnesses were recorded and accused were arrested in the case. On the completion of the investigation challan was presented against the accused.

3. Copies of documents referred in Section 207 Cr.P.C. were supplied to the accused. After hearing the APP for the State, defence counsel and perusing the record of the case, the trial court framed charge



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under Sections 323 and 498-A read with Section 34 IPC against the accused to which they did not plead guilty and claimed trial.

4. During the course of the trial, complainant, who appeared as PW-2, reiterated the allegations made in her complaint, which was corroborated by the testimony of PW-3-Krishna. The prosecution also examined PW1-Dr. Kam Raj, Medical Officer, Civil Hospital, Kapurthala, who testified that on 15.04.2002 at about 12:45 PM, he medico legally examined the complainant and found injuries on her person, which are as follows:-

1. Contusion 3x3 cm on inferior angle of left scapula. It was 7 cm from midline towards left side. Bluish in colour. Advised-x-ray and injury was kept under observation.
2. Contusion 3 cm x 1.5 cm on right scapula. Tender to touch. It was 6 cm from mid-line towards right side. Blush in colour.
3. Contusion 1.5 cm x 1.00 cm from the cromion of left scapula. Bluish in colour. Tender to touch.
4. Patient complained of plain interior part of neck. However, there was no external injury mark.
5. Patient complained of both legs. There were tender to touch. However, there was no external injury mark.

5. IT was further deposed by PW1 that while injury No.1 was kept for x-ray examination, injury nos.2 to 5 were declared simple in nature. All the injuries had been caused with blunt weapon.

6. Upon closure of the prosecution evidence, the statement of all the accused persons was recorded under Section 313 Cr.P.C., who pleaded innocence.

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7. Based on the material on record and the evidence produced before it, the learned Trial Court convicted and sentenced the petitioner, his mother and brother, vide order dated 01.12.2003, under Section 498A, to undergo rigorous imprisonment for a period for two years along with a fine of Rs.2000/- each. Aggrieved, the judgment was challenged in appeal, which was partly allowed and the conviction of the mother and brother of the petitioner herein was set aside and they were acquitted of all charges, citing lack of evidence and failure to prove the case beyond shadow of reasonable doubt qua them. However, qua the present petitioner the appeal was dismissed and his conviction was upheld. Hence, the petitioner has filed the present revision petition before this Court.

Submissions made by learned counsel for the petitioner

8. Learned counsel for the petitioner submits that the FIR was lodged after a delay of 05 days, making room for material improvements in the version of the complainant. Further, the allegations against the petitioner are that he slapped the complainant on her face, whereas no such was found on her face as per the medico legal report. It has also been argued that prior to the occurrence, there is nothing on record to show that in the 3 years of their marriage, any demand for dowry was raised, thereby making the allegation of demand of a refrigerator at that stage highly improbable. Further, the material witnesses in this case i.e. father of the complainant, maternal uncle and witness Nanti were not examined in the Court by the prosecution. The only independent witnesses, namely Krishna was examined by the prosecution, who had been proved to be

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inimical towards the petitioner. The petitioner has clean antecedents. As a parting argument, the counsel has urged that in the event of the case not succeeding on merit, the Court may take a lenient view, and consider reducing the sentence of the petitioner to the period already undergone by him, it being 05 months and 23 days including remission out of the total sentence of two years. Reliance has been placed upon the judgments of Hon'ble Supreme Court passed in '*Samaul SK vs. State of Jharkhand and Another*' (2023) 18 SCC 542; '*M. Venkateswaran vs. State*', (2025) 3 SCC 578 and '*S. Mahaboob Basha vs. State of Karnataka*', *criminal Appeal No.2115 of 2014, decided on 23.09.2014* wherein under similar circumstances, the Apex Court, by taking a humanitarian view, reduced the sentence of the accused/appellants to the period already undergone by them.

9. On the other hand, learned State counsel has submitted that the judgments of learned Trial Court as well as the learned Sessions Court are well reasoned and based upon the correct appreciation of facts. The testimony of the complainant PW-2 was duly corroborated by the testimony of PW-1 Dr. Kamraj, Medical Officer, Civil Hospital, Kapurthala, who proved the MLR (Ex.P1), as per which that there were five injuries on the person of the complainant. With regard to the delay in registration of the FIR, it has been argued that the same is fully explained by the prosecution as the conversation of compromise was going on between the parties. It is therefore submitted that the petitioner was rightly convicted and sentenced to undergo a period of rigorous imprisonment of two years, in view of the offences committed by him.



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Analysis & conclusion

10. I have heard learned counsel for the parties and perused the entire material available on record, as well as judgment of the trial Court and First Appellate Court.

11. Upon perusal of the record, it is evident that the complainant was subjected to physical cruelty by the petitioner. This allegation was duly corroborated by medical evidence. Accordingly, this court does not find any infirmity in the judgment passed by the learned appellate Court whereby the conviction of the petitioner was sustained, and the same is upheld.

12. Further, before considering the submissions of the learned counsel for the petitioner on the issue on quantum of sentence, it would be apposite to refer to the observations made in the judgment of Hon'ble the Apex Court in *Mohd. Giasuddin Vs. State of AP, AIR 1977 SC 1926*, wherein while affirming the conviction but reducing the period of sentence, it was expressed that:

"Crime is a pathological aberration. The criminal can ordinarily be redeemed and the state has to rehabilitate rather than avenge. The sub-culture that leads to antisocial behaviour has to be countered not by undue cruelty but by re-culturization. Therefore, the focus of interest in penology is in the individual and the goal is salvaging him for the society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a



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primary stake in the rehabilitation of the offender as a means of a social defence. Hence a therapeutic, rather than an 'in terrorem' outlook should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind....."

13. In the case of **Satish @ Sabbe v. State of Uttar Pradesh, (Special Leave Petition (Crl.) No. 7369 of 2019, decided on 30.09.2020:** The Hon'ble Supreme Court, speaking through His Lordship Surya Kant, J., observed thus:-

"13. Whilst it is undoubtedly true that society has a right to lead a peaceful and fearless life, without free-roaming criminals creating havoc in the lives of ordinary peace-loving citizens. But equally strong is the foundation of reformatory theory which propounds that a civilised society cannot be achieved only through punitive attitudes and vindictiveness; and that instead public harmony, brotherhood and mutual acceptability ought to be fostered. Thus, first-time offenders ought to be liberally accorded a chance to repent their past and look-forward to a bright future." (emphasis added)

14. Speaking of the quantum of sentence, the sword of damocles has been hanging over the heads of the petitioner for nearly two decades. The sentence of the petitioner was suspended vide order dated 30.10.2007. Prior to the same, the custody certificate dated 03.07.2025 of the petitioner shows that he had undergone a total sentence including remission for a period of 05 months and 23 days out of a total sentence of two years. The petitioner, who was 32 years of age at the time of his conviction, does not have any past criminal antecedents. The State has not shown any other criminal record during the subsequent period, and has

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not misused the concession of bail granted to him, showcasing that the petitioner has integrated into the mainstream society, which is the aim of the reformative school of justice, on which foundation the entire structure of legal system is built. This Court feels that it would not be appropriate to send the petitioner behind bars at this juncture, especially so when he has had a chance to repent his wrongdoings and turn a new leaf. The sentence already undergone by the petitioner, when seen in light of the protracted litigation that has been suffered can be seen as commensurate to the crime that has been committed. Therefore, given these circumstances, but in no way undermining the gravity of the offence that the petitioner is guilty of, this Court deems it a fit case to reduce the quantum of sentence awarded to the petitioner to the period already undergone by him.

15. Accordingly, the conviction of the petitioner is upheld. However, the order of sentence dated 01.12.2003 passed by the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi which was sustained qua the petitioner by the learned Additional Sessions Judge, Kapurthala vide judgment dated 05.06.2007, is modified, and the sentence of 02 years of rigorous imprisonment awarded to the petitioner is reduced to the period of sentence already undergone by him, subject to deposit Rs.1 lac before the learned Trial Court within a period of 04 months, which shall then be disbursed to the complainant. This amount of Rs.1 lac is apart from the fine as directed to be paid by the learned Trial Court in the order dated 01.12.2003. It is made clear, that if the amount is not deposited



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within the stipulated period, the petitioner will have to undergo the remaining part of the sentence of 02 years.

16. This petition is disposed of in above-said terms.

17. Pending miscellaneous application/s, if any, shall also stands disposed of, in view of the above-said order.

(KIRTI SINGH)
JUDGE

August 27, 2025
Kapil

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No