

**HIGH COURT OF JUDICATURE MADHYA PRADESH,**  
**JABALPUR**

**SB: HON. SHRI N.K.GUPTA,J.**

**CRIMINAL REVISION NO.374/2013**

Tarachand.

Vs.

State of Madhya Pradesh.

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Shri K.S.Rajput, Advocate for the applicant.

Shri R.N.Yadav, Panel Lawyer for the respondent/ State.  
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**O R D E R**

(Passed on 30<sup>th</sup> day of November, 2013)

By way of this revision the applicant has challenged the judgment dated 22.2.2013 passed by the learned 4<sup>th</sup> Additional Sessions Judge, Khandwa in Criminal Appeal No.185/2011 whereby the applicant was convicted for commission of offence punishable under Section 498-A of IPC and sentenced with one year's RI with fine of Rs.1000/-. The said appeal was filed by the applicant against the judgment dated 30.7.2011 passed by the learned JMFC Khandwa (Shri Vaibhav Saxena) in Criminal Case No.4988/2009.

2. The prosecution's case, in short, the complainant was married with the applicant in the year 2005 and thereafter she was harassed by the applicant and his relatives for demand of dowry. She was ousted from the house of the applicant and therefore she resided with her

parents for 8-9 months. Again on 2.7.2009 the applicant took her with an assurance that he would keep her with comfort, but ultimately again on 21.10.2009 she was sent back to her parents' house. On 1.11.2009 the applicant went to the parents' house of the complainant along with one Govind and threatened the complainant, and therefore an FIR was lodged.

3. The learned JMFC Khandwa after considering the evidence adduced before him convicted the applicant for the offence under Section 498-A of IPC and sentenced with one year's RI with fine of Rs.1000/-.

4. I have heard the learned counsel for the parties.

5. After considering the evidence given by the witnesses Mahendra (PW-1), Dharmendra (PW-2), Arti Bai (PW-3) Rajesh (PW-4) and Bhushan (PW-5) it appears that they are believable and there is no reason to disturb the concurrent findings given by both the Courts below relating to the conviction of the applicant, and therefore no interference can be done in the present revision for the conviction directed against the applicant.

6. So far as the sentence is concerned, it would be apparent that it is a matrimonial matter and possibility of compromise cannot be ruled out. At present no decree of divorce has been passed. The applicant remained in custody for approximately seven months, whereas he was sentenced with one year's RI. Under such circumstances, it is a fit case

in which the sentence of the applicant may be reduced to the period for which he remained in the custody.

7. On the basis of the aforesaid discussion, the revision filed by the applicant Tarachand is hereby partly allowed. The conviction of the applicant for the offence under Section 498-A of IPC is hereby maintained, but his jail sentence is reduced to the period for which he remained in the custody during the trial, appeal and revision. However, the fine amount is enhanced from a sum of Rs.1000/- to a sum of Rs.5,000/-. The applicant is directed to deposit the remaining fine amount before the trial Court within two months from today, failing which he shall undergo six months' rigorous imprisonment. If fine is deposited, then a sum of Rs.4,000/- be given to the victim Arti Bai D/o Shri Mahendra, resident of Village Nahalda District Khandwa by way of compensation.

6. A copy of this order be sent to both the courts below along with their records for information and compliance. An attention of the learned Magistrate is invited to the provisions of Section 68 of IPC that if the applicant does not deposit the remaining fine amount within that period, then he shall be arrested and he shall be released if he deposits the fine amount thereafter.

(N.K.Gupta)  
Judge  
30/11/2013

Ansari