

2022 LiveLaw (SC) 962

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
ANIRUDDHA BOSE; J., VIKRAM NATH; J.**

November 09, 2022.

CRIMINAL APPEAL NO(S). OF 2022 (Arising from SLP(Crl.) No(s). 8206/2019)

RANDEEP SINGH versus STATE OF U.T. CHANDIGARH & ANR.

Indian Penal Code, 1860; Section 498A - Concurrent conviction under Section 498A IPC upheld - Wife's submission that she would not like to contest the appeal and she wants to join her husband and revive their matrimonial life - In this proceeding, we cannot pass any order on that count. For that purpose, the wife may take such steps as may be advised. Considering the overall circumstances, the punishment of rigorous imprisonment reduced to the period already undergone by the appellant in incarceration.

(Arising out of impugned final judgment and order dated 19-07-2019 in CRR No. 4087/2014(O&M) passed by the High Court of Punjab & Haryana at Chandigarh)

For Petitioner(s) Dr. J. P. Dhanda, AOR Mr. N A Usmani, Adv. Mrs. Raj Rani Dhanda, Adv.

For Respondent(s) Mr. Vatsal Joshi, Adv. Mr. S.K.Singhania, Adv. Mr. Vinayak Sharma, Adv. Mr. Krishna Kant Dubey, Adv Mr. Nakul Chengappa K K ,adv. Ms Akriti A Manubarwala, Adv. Mr. Sarad Kr. Singhania, Adv. Mr. Arun Kumar Yadav, Adv Mr.N. Visakamurthy, Adv. Mr. Gurmeet Singh Makker, AOR Mr. Chritarth Palli , AOR

ORDER

Leave granted.

Heard learned counsel for the appellant, State and the Respondent no.2 (complainant), who is wife of the appellant. The present appeal is against a judgment and order passed by the High Court in its revisional jurisdiction sustaining the order of conviction of the appellant by the Trial Court and the Appellate Court being the Sessions Court. The conviction of the appellant is under section 498A of the Indian Penal Code. The Trial Court, upon finding the appellant guilty had imposed punishment of two years and also default sentence on failure to pay fine of Rs.3,000/(Rupees Three Thousand only). This judgment of conviction and order of sentence were sustained by the Appellate Court. The High Court, in its Revisional jurisdiction did not interfere with the judgment of conviction but reduced the substantive sentence to six months. As there are concurrent findings of fact, we do not find any reason to interfere with the judgment of conviction of the appellant. There is no perversity in the judgment assailed in this appeal.

In course of hearing today, learned counsel for the complainant-wife has submitted before us that his client would not like to contest the present appeal and she wants to join her husband i.e., the appellant and revive their matrimonial life. In this proceeding, we cannot pass any order on that count. For that purpose, the respondent-wife may take such steps as may be advised. Considering the overall circumstances, we, however, reduce the punishment of rigorous imprisonment to the period already undergone by the appellant in incarceration.

The appeal is partly allowed in the above terms and the judgment of the Revisional Court is modified to that extent.

Pending application(s), if any, shall stand disposed of.