

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1783-SB-2014
Date of decision: 29.07.2015

Sukhwinder Singh alias Sukha

...Appellant

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present : Mr. R. S. Mamli, Advocate for the appellant.

Mr. Munish Dev Sharma, AAG, Haryana.

Raj Rahul Garg, J.

Sukhwinder Singh alias Sukha, appellant-accused, assailed the judgment of conviction dated 07.03.2014 and order on sentence dated 12.03.2014 rendered by Ms. Ranjana Aggarwal, Ld. Judge, Special Court for Heinous Crimes Against Women, Kurkshetra whereby Sukhwinder Singh @ Sukha was convicted under Section 306 IPC as Meenakshi committed suicide on the night of 20.08.2012 on account of causing constant harassment to her by accused-appellant. Whereas, co-accused Pradeep Singh @ Deepu was acquitted as the prosecution has failed to prove its case against him beyond reasonable doubt. Accordingly, Sukhwinder Singh @ Sukha was sentenced to undergo RI for a period of 4 years and to pay a fine of Rs. 50,000/-. In default of payment of fine to further undergo simple imprisonment for a period of six months.

I have heard learned counsel Mr. R. S. Mamli, Advocate for Sukhwinder Singh @ Sukha, appellant-accused and Mr. Munish Dev Sharma, AAG, Haryana for the state of Haryana besides appraising the entire material

coming on record.

At the very outset, learned counsel for the appellant-accused stated that he does not contest the findings of learned trial court recorded on merits of the case. He would feel satisfied in case the sentence of the appellant is reduced to the one already undergone.

It was contended by the learned counsel for the appellant-accused that the appellant is of young age. It is his first offence. He is an unmarried guy. His father is no more. His mother is there in the family. He has already suffered a lot. He has already undergone three and a half years of sentence out of total 4 years. No useful purpose would be served in keeping him in jail for the entire period of 4 years, which he is likely to complete very soon.

Learned counsel for the state opposed the reduction in sentence of the appellant-accused.

Taking into consideration arguments advanced by learned counsel for the appellant, which have been noted above, this court is of the view that it is a fit case wherein sentence awarded to the appellant can be reduced to the one already undergone. Our criminal justice system is to reform the offenders and to make them see and follow the right path. Appellant-accused is an unmarried guy. He has a mother. His father is no more. He has to look after his family. He has already undergone a sufficient period of sentence. As such, it would be just if his sentence is reduced to the one already undergone. So is ordered accordingly. The impugned judgment of conviction dated 07.03.2014 and order on sentence dated 12.03.2014 stand affirmed with the modification in the order on sentence to the effect that the sentence of the appellant-accused is reduced to the one already undergone. If the amount of fine is not paid, the appellant-accused shall undergo default imprisonment for a period of 6 months

as awarded by the learned trial court. If he pays the amount of fine then he be released forthwith, if not required in any other case.

With observations made above, the present appeal is disposed of.

(RAJ RAHUL GARG)
JUDGE

29.07.2015

Waseem