

CRA-4761-SB of 2014(O&M)
Date of Decision: 16.01.2015

Sapinder Singh @ Ladi

---Appellant

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ashok Giri, Advocate
for the appellant
Mr. Gazi Mohammad, DAG, Punjab
for the respondent-State

- 1. Whether Reporters of local papers may be allowed to see the judgment?
- 2. To be referred to the Reporter or not?
- 3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The present appeal has been directed against the judgment of conviction and order of sentence dated 18.11.2014 passed by the Sessions Judge, Rupnagar whereby the appellant has been convicted and sentenced for commission of offence punishable under Sections 341 and 506 of the Indian Penal Code (in short “IPC”) while he has been acquitted of the offence punishable under Section 376 IPC and Section 67 of the Information Technology Act, 2000, detailed herebelow:-

<i>Under section 341 IPC</i>	<i>To undergo rigorous imprisonment for 01 month and to pay a fine of Rs. 500/- and in default of payment of fine to further undergo rigorous imprisonment for 07 days.</i>
<i>Under Section 506 IPC</i>	<i>To undergo rigorous imprisonment for 02 years and to pay a fine of Rs. 5000/- and in default of payment of fine to further undergo rigorous imprisonment for one month.</i>

Counsel for the appellant fairly concedes that he does not assail the judgment of the trial court in regard to conviction of the appellant for the aforesaid offence, however, he may be heard on the question of sentence.

Custody certificate filed in court, is taken on record.

Counsel for the appellant submits that keeping in view character, antecedents and custody period already undergone by the appellant, substantive sentence awarded by the trial court for the aforesaid offence may be reduced to the period already undergone.

Counsel for respondent-State of Punjab has submitted that though the substantive sentences have been ordered to run concurrently but the appellant has suffered actual custody for a period of 09 months and 01 day out of substantive sentence of two years for offence punishable under Section 506 IPC.

I have heard counsel for the parties and perused the records.

The criminal proceedings were instituted against the appellant in April 2014 and he was charged for a serious offence of committing rape punishable under Section 376 IPC which must have caused a serious trauma and setback to the appellant and his family. On conclusion of trial, he has been exonerated of the charge of committing rape and has been held guilty for committing offence punishable under Sections 341, 506 IPC. The appellant remained confined to jail for a period of 07 months and 03 days as an under trial and his custody after conviction is for a period of about 02 months. Perusal of the custody certificate makes it evident that no other criminal case has ever been registered against the appellant much less his

being a previous convict. Taking into consideration the facts and circumstances in its entirety, I am of the considered that interest of justice would be served if the substantive sentence awarded to the appellant for offence under Section 506 IPC is reduced to the period already undergone.

In this view of the matter, the appeal stands disposed of with modification in the aforesaid terms.

(REKHA MITTAL)
JUDGE

16.01.2015
PARAMJIT