

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 1006 of 2005 (O&M)
Date of Decision: 20.05.2015

Lakhbir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

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

Present: Mr. Sandeep Kotla, Advocate
for the petitioner

Mr. Deepak K. Grewal, DAG Haryana

ANITA CHAUDHRY, J.

Through this petition, the revisionist Lakhbir Singh has challenged his conviction under Section 279, 337 and 338 IPC. The conviction was recorded in FIR No. 147 lodged on 02.05.1997 at Police Station Bhuna. The Judicial Magistrate Ist Class, Fatehabad vide order dated 09.02.2005 convicted the petitioner and sentenced him to undergo the following punishment:

Under Section	Rigorous imprisonment	Fine
279 IPC	3 months	Rs. 500/-
337 IPC	3 months	Rs. 250/-
338 IPC	1 year	Rs 500/-

The judgment was affirmed by the Addl. Sessions Judge, Fatehabad vide order dated 14.05.2005.

The petitioner was taken in custody to undergo the

remaining part of sentence. Dissatisfied with both the verdicts, present revision has been filed.

Learned counsel for the petitioner has confined his prayer only to the quantum of sentence. He further states that petitioner is ready to pay some compensation to the complainant. Vide order dated 07.07.2005, sentence of the petitioner was suspended.

I have heard learned counsel for the petitioner and learned State counsel appearing for the State of Haryana.

Learned counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last more than 10 years and the petitioner had remained in custody for more than 2 months. Learned counsel for the petitioner contends that the sentence of the petitioner may be reduced to the period already undergone by him. He further submits that the petitioner is a first offender and during these years he has not indulged in any similar offence. Counsel contends that the petitioner is ready to pay compensation to the complainant.

The State counsel has opposed the prayer and submits that the Courts below have already taken a lenient view.

As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner are affirmed.

The occurrence took place in the year 1997. The petitioner was convicted by the trial Court vide judgment dated 09.02.2005. His appeal was dismissed by the Sessions Court on 14.05.2005. The petitioner has remained in custody for more than 2

months. Striking a balance for the offence under Section 338 IPC and considering the entire facts and the circumstances, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner is reduced to the period already undergone by him. However, the revisionist would deposit a sum of Rs. 10,000/- more as fine under Section 338 IPC, which would be deposited within one month and paid to the injured. In case the petitioner fails to deposit the said amount within a period of one month, this revision petition shall be deemed to be dismissed and the petitioner would surrender before the Chief Judicial Magistrate, Fatehabad to undergo remaining part of his sentence as imposed by the trial Court. However, it is made clear that both the sentences will run concurrently. On deposit of the fine amount imposed by the trial Court, the petitioner be set at liberty, if not required in any other case.

With the above modification, the instant revision petition stands disposed of. Copy of this order be sent to the Courts below who would also issue notice to the injured.

May 20, 2015

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**(ANITA CHAUDHRY)
JUDGE**