

***IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH***

***CRA-S No. 2290-SB of 2003 (O&M)  
Date of Decision: 21.08.2015.***

*Khazanchi Kumar Cohan*

*... Appellant*

*Versus*

*State of Punjab*

*... Respondent*

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. A.S. Jattana, Advocate for the appellant.

Mr. P.S. Grewal, DAG, Punjab.

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**TEJINDER SINGH DHINDSA.J.**

The present appeal is directed against the judgment of conviction and order of sentence dated 19.11.2003 passed by the learned Additional Sessions Judge, Ludhiana, whereby the appellant stands convicted for offence under Section 363 of the Indian Penal Code and has been sentenced to undergo RI for a period of two years and to pay a fine of Rs.200/-and in default thereof, to further undergo RI for a period of one month.

2. Briefly noticed the case of the prosecution is that on 12/13.12.2000, one Sadhu Ram had given beatings to his wife Chhinder Kaur and left her at the house of her brother Surinder Pal Singh. On the following day, Sadhu Ram came to the house of Surinder Pal and threatened that in case they do not sent Chhinder Kaur along with him, he would kidnap his daughter. Inhabitants of the locality are stated to have forced Sadhu Ram to leave from the spot. It was further alleged that on 18.12.2000 at about 6 p.m. wife of Surinder Pal had sent her daughter Usha Rani, 13

years of age to make certain purchases. However, she did not return. Surinder Pal having returned home from his work, his wife informed him of the absence of Usha Rani. Surinder Pal having started to search for his daughter, he was told by one Gian Singh that Sadhu Ram and Khazanchi Kumar (present appellant) were roaming in that area and they had taken away Usha Rani in a car. It was against such backdrop that FIR No.114 under Sections 363/366/120-B IPC dated 20.12.2000 was registered against the accused. After completion of investigation, challan was presented against the appellant. However, Sadhu Ram was found innocent. Upon application having been filed under Section 319 Cr.P.C., Sadhu Ram was also summoned as additional accused to face trial. After due appreciation of evidence adduced on record, Sadhu Ram was acquitted and the present appellant was convicted for offence under Section 363 IPC and sentenced in the manner as indicated hereinabove.

3. Counsel appearing for the appellant at the very threshold has made a submission that he is not assailing the conviction on merits but is confining the scope of the appeal only qua quantum of sentence.

4. This Court finds merit in such limited submission raised by counsel for the appellant. There are sufficient mitigating circumstances for this Court to take a lenient view as regards quantum of sentence. As per custody certificate furnished by the learned State counsel, the appellant has already undergone a total sentence period of 7 months and 20 days upto 05.02.2004. He was thereafter released on bail on account of his sentence having been suspended by this Court.

5. The appellant is not stated to be involved in any other criminal proceedings. He is not stated to have misused the concession of bail after

his sentence was suspended. The incident relates back to the year 2000. It has also gone uncontroverted that in the interregnum, the appellant has even got married to Usha Rani and they are living as a married couple.

6. Under such circumstances, conviction of the appellant is maintained. Appeal is disposed of with a modification in the sentence awarded by the trial Court and reduction of the same to the period already undergone. Bail bonds furnished by the appellant shall stand discharged.

7. Appeal is disposed of.

**21.08.2015**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**

NOTE: Whether to be reported to the Reporters? No