

In the High Court of Punjab and Haryana at Chandigarh

Crl. Appeal No. S-2204-SB of 2003

Date of Decision: 14.01.2015

Satish

.....Appellant

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Deepinder Singh, Advocate
for the appellant.

Mr. Rajiv Doon, AAG, Haryana.

SABINA, J.

Appellant had faced the trial qua commission of offence punishable under Section 376, 506 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 232 dated 2.9.2002, registered at Police Station Sohna. Trial Court vide judgment/order dated 18.11.2003/19.11.2003 ordered the conviction and sentence of the appellant under Section 376, 506 IPC. Hence, the present appeal by the appellant.

During the course of arguments, learned counsel for the appellant has not challenged the conviction of the appellant under Section 376, 506 IPC but has submitted that appellant has undergone about three years of actual sentence and the sentence qua imprisonment of the appellant be reduced to the period already undergone by him. Learned counsel for the appellant has further submitted that at one point of time, prosecutrix had submitted an affidavit Mark-A in favour of the appellant. As per the affidavit,

prosecutrix had stated that she wanted to perform marriage with the appellant. The defence of the appellant was that he had been falsely involved in the case as the parents of the appellant had declined to perform marriage of the prosecutrix with the appellant. Prosecutrix was major at the time of occurrence and appellant was aged about 22 years. Learned counsel for the appellant has submitted that, be that as it may, the sentence qua imprisonment of the appellant be reduced to the period already undergone by him.

Keeping in view the submissions made by learned counsel for the appellant, it would be just and expedient to reduce the sentence qua imprisonment of the appellant to the period already undergone by him as in the present case, at one stage, prosecutrix had herself given an affidavit in favour of the appellant and had stated that she wanted to perform marriage with the appellant. The defence of the appellant was also to the effect that the prosecutrix had involved him in this case as she wanted to get married to him but his parents had declined to perform marriage of the appellant with the prosecutrix.

Accordingly, conviction of the appellant under Section 376, 506 IPC is maintained. However, sentence qua imprisonment of the appellant is reduced to the period already undergone by him.

Appeal stands disposed of accordingly.

**(SABINA)
JUDGE**

January 14, 2015

Gurpreet