

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 1675 of 2015 (O&M)

Date of decision : June 29, 2015

Anil Kumar

... Petitioner

vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Yogesh Gupta, AAG, Punjab.

Surinder Gupta, J

Heard.

The petitioner was convicted and sentenced to undergo rigorous imprisonment for one year and to pay fine of ₹2,000/- for offence punishable under Section 292 IPC by the Court of Judicial Magistrate Ist Class, Bathinda. On appeal, his conviction was maintained but keeping in view the protracted trial faced by the appellant, the sentence of imprisonment was reduced from one year to six months.

Learned counsel for petitioner submits that after registration of case in the year 2006, the petitioner is not involved in any other case. He is the only bread winner of his family and has small children to look after. He has also undergone more than two months of imprisonment. He requests for providing opportunity to the petitioner to reform himself instead of undergoing sentence as awarded to him.

Learned State counsel submits that recovery of obscene C.Ds for supplying the same to the customers was effected from the petitioner which is a heinous crime against society as such the petitioner do not deserve any leniency in the matter of quantum of sentence.

The case was registered against the petitioner in the year 2006 and for the last nine years he has been facing protracted trial. He has also undergone imprisonment of about two months. Keeping in view the nature of offence, antecedents of the petitioner, I am of the considered opinion that

the petitioner must be provided opportunity to reform himself instead of making him to undergo imprisonment as awarded by the appellate court.

In view of the above, the conviction of petitioner under Section 292 IPC is maintained and he is ordered to be released on probation under the provisions of Section 4 (1) of Probation of Offenders Act, 1958 for a period of one year on furnishing probation bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bathinda. The petitioner will also deposit a sum of ₹20,000/- as litigation expenses. The amount of fine, if already paid be adjusted towards the costs of litigation.

Disposed of accordingly.

(Surinder Gupta)
Judge

June 29, 2015
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