

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

CRR-3104-2015 (O&M)

Date of Decision: November 04, 2015

Ramesh and another

.....Petitioners

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 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.Balraj Gujjar, Advocate
for the petitioners.

Mr.Sanjay Kumar Saini, AAG, Haryana.

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NARESH KUMAR SANGHI, J.(ORAL)

Challenge in this present criminal revision petition is to the judgment, dated 15.07.2015, passed by learned Additional Sessions Judge, Narnaul, whereby the appeal filed by the petitioners challenging their conviction and sentences for the offences punishable under Sections 225, 332 and 353, IPC (petitioner No.1-Ramesh) and Sections 224, 332 and 353, IPC (petitioner No.2-Ransingh) recorded by learned Judicial

Magistrate First Class, Mahendergarh, was dismissed, qua the petitioners.

When the case came up for preliminary hearing on 24.08.2015 before this Court, then the learned counsel fairly conceded that in view of the concurrent findings of both the Courts below, he did not propose to challenge the conviction of the petitioners. However, he submitted that there were fairly arguable points for reduction of sentence and, as such, notice of motion was issued with regard to quantum of sentence only.

In support of his contention, learned counsel submits that petitioner No.1-Ramesh is aged about 35 years; he is running a *kiryana* shop in village Baghot, Tehsil Kanina, District Mahendergarh; he has four minor daughters and a minor son; he is the only breadwinner for them; he is neither required nor involved in any other case and that the alleged incident had occurred in the year 2009; during trial and pendency of the appeal petitioner No.1- Ramesh Kumar was released on bail but he did not misuse the said concession. He further points out that petitioner No.2-Ransingh has two minor sons and he too is the sole breadwinner for his family. The family of Ransingh is dependent upon the income being derived from farming by him (Ransingh); Ransingh is also not a previous convict and that he too

did not misuse the concession of bail during the pendency of the trial and the appeal. Learned counsel has further pointed out that both the petitioners have undergone more than three months and approximately 15 days of the jail sentence.

Learned counsel for the State though opposed the submissions of the learned counsel for the petitioners for reduction of the sentence, however, he fairly concedes that none of the petitioners is a previous convict and both of them have undergone the jail sentence of three months and more than 15 days.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Though the learned counsel for the petitioners has proposed not to challenge the conviction of the petitioners, but to satisfy the conscience of this Court, the whole material has been perused. The depositions of the prosecution witnesses, as narrated in the impugned judgments would clearly spell out that the essential ingredients of the offences punishable under Sections 224, 225, 332 and 353, IPC, are clearly made out against the petitioners and, as such, they were rightly convicted by learned trial Court and the said conviction was further correctly

affirmed by the learned appellate Court.

In view of the above, learned counsel for the petitioners has rightly conceded not to challenge the conviction of the petitioners.

However, there appears to be substance in the above submissions of the learned counsel for the petitioners that both the petitioners are first offenders; both of them have minor children; both of them are the sole breadwinners for their respective families; the occurrence had taken place in the year 2009 and both of them were released on bail and they did not misuse the said concession during pendency of the trial and appeal and that both the petitioners have suffered incarceration for more than three months and 15 days and, as such, the jail imprisonment of both the petitioners is reduced to the period already undergone by them. The fine imposed by the Court below is maintained.

With the above modification in the order of sentence, the present criminal revision petition is partly allowed. If the petitioners are in custody, they be released at once if not required in any other case.

November 04, 2015
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(NARESH KUMAR SANGHI)
JUDGE