

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 3508 of 2014 (O&M)
Date of decision: 11.9.2015

Jagdev

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. V.S.Virk, Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

SABINA, J.

Petitioner had faced trial under Section 377 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 93 dated 3.7.2006, registered at Police Station Nangal Chowdhary. Trial Court vide judgment/order dated 2.11.2011/3.11.2011 ordered the conviction and sentence of the petitioner under Section 377 IPC. Conviction and sentence of the petitioner, as ordered by the Trial Court, was upheld by the Appellate Court vide order dated 10.9.2014. Hence, the present petition by the petitioner.

Learned senior counsel for the petitioner has submitted that the petitioner has been falsely involved in this case and the prosecution had failed to prove its case.

Learned State counsel, on the other hand, has opposed the petition.

Prosecution story, in brief, is that the petitioner had

committed the offence of sodomy on 2.7.2006 on Vikash aged 9 years.

In order to prove its case, prosecution examined the victim as PW-5. The victim duly corroborated the prosecution case and stated that on 2.7.2006 while returning home from school, he had started playing. Petitioner asked the victim to accompany him to a sweet shop and took him to a lonely place and committed the offence of sodomy. The statement of the victim was duly corroborated by the medical evidence. In this regard PW-3 Dr. Ashwani Kumar was examined who deposed that on 3.7.2006, he had medically examined the victim and as per his examination, it was evident that act of sodomy had taken place with the victim.

Thus, the prosecution had been successful in proving its case. Both the Courts below had, thus, rightly ordered the conviction of the petitioner qua commission of offence punishable under Section 377 IPC.

Keeping in view the seriousness of offence committed by the petitioner, no ground for reduction of sentence qua imprisonment to the petitioner is made out.

Dismissed.

**(SABINA)
JUDGE**

September 11, 2015

Gurpreet