

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

**C.R.R. No.4044 of 2014 (O&M)
Date of Decision : 25.08.2015**

Gulshan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sanjeev Kodan, Advocate
for the petitioner.

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?

AJAY TEWARI, J. (Oral)

This revision petition has been filed against the concurrent judgments of the Courts below convicting the petitioner under Section 377 IPC and sentencing him to undergo rigorous imprisonment of three years.

The allegation against the petitioner was that the eight year old boy complained to his mother about the pain in his anus. His medical examination reveals a healing ulcer of size 1 x 0.5 cm at 6 O' Clock position, pink coloured extending to anal canal. The victim appeared and identified the petitioner and his co-accused as the perpetrators. The medical evidence also corroborated the aforesaid fact. The plea of the petitioner and the co-accused was that there was a delay of 7 days in lodging the FIR and

that they had been falsely implicated. Both the Courts below have considered these two facts and discounted this theory holding that in such cases such delay could not be held to be fatal and that the plea of false implication was also not credible.

In the circumstances, in the opinion of this Court, the conviction of the petitioner cannot be held to be illegal.

Learned counsel for the petitioner has then argued that the sentence of three years may be reduced.

In my opinion, in the circumstances of the case where the petitioner alongwith another person solemnized the eight year old child, the imprisonment of three years cannot be held to be excessive.

Consequently, the revision petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

August 25, 2015
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(AJAY TEWARI)
JUDGE