

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRR-4096-2014(O&M)

Decided on: 03.03.2015

Shiv Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr.Sarju Puri, Advocate for the petitioner.
Mr. Deepak Garg, AAG, Punjab.

MAHESH GROVER, J (ORAL)

The present revision petition is against the judgment and order dated 18.02.2014 and 02.12.2014, passed by learned Chief Judicial Magistrate, SBS Nagar and learned Sessions Judge, SBS Nagar, whereby the petitioner has been convicted under Sections 354 and 506 IPC and sentenced to undergo rigorous imprisonment for a period of one year each and to pay fine of Rs.500/- each and in default of payment of fine to under rigorous imprisonment for a period of one month each.

The case against the petitioner is that he had stalked the complainant for a period of over two years and on one occasion he caught hold of her hand and held her dupatta. Initially the matter was attempted to be reported to the police which did not take any action and after some efforts FIR in question came to be recorded on 22.02.2008.

The contents of the complaint reveal constant stalking and threats by the petitioner alongwith certain other boys. On the basis of

evidence, the trial Court convicted the petitioner as above. In appeal, the findings were affirmed.

Learned counsel for the petitioner contends by way of an application for suspension of sentence that he has already undergone three months out of total substantive sentence of one year awarded to him. Apart from this he has stated that the Court may take a lenient view considering the petitioner is a married man now and is expecting a child. Besides this, the complainant himself has moved on in life and settled in Australia. He has stated that the incident is of the year 2008 and after seven years, it would be too harsh to subject the petitioner to the rigors of the sentence awarded to him.

I have considered the aforesaid pleas. There can be no quarrel with the fact that the petitioner had unduly harassed the complainant, if the evidence on record is to be seen and more importantly, the statement of the prosecutrix herself. She was of young and impressionable age at the time of incident and harassment of the kind alleged against the petitioner can be unduly disturbing to a person of tender age. There would have been no cause for leniency but for the fact that seven years have elapsed since then and both the petitioner and the complainant have moved on in their lives. The petitioner has been sufficiently punished and a strict message has also gone to the society that offences such as these are dealt with sternly. The factum of the punishment awarded to the petitioner is a testimony to this effect but the Courts are also required to take a holistic view of the situation to serve the cause of justice and to balance it and as noticed above, the fact of seven years passing by and the petitioner having settled in matrimony as well as the complainant and also noticing the fact that the petitioner has

undergone three months out of the total substantive sentence of one year, I deem it appropriate to reduce the sentence to that of already undergone while enhancing the fine component which would be compensatory to the complainant. The fine is assessed at Rs.1,00,000/-, which will be deposited in the Court of Chief Judicial Magistrate, SBS Nagar, within a period of three months for onward transmission to the complainant or her parents after due notice by the Court concerned.

With the above modification in the order of sentence, the present revision petition is disposed of.

03.03.2015
mamta

(MAHESH GROVER)
JUDGE