

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.80 of 2015 (O&M)

Date of Decision: January 13, 2015

Mandeep Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajesh Bhatheja, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this revision petition under Section 401 Cr.P.C. against State of Punjab respondent challenging the impugned judgment dated 19.11.2014 passed by learned Addl. Sessions Judge, Moga.

It is mainly stated in the petition that impugned judgment of conviction and order of sentence dated 15.01.2014 passed by learned Judicial Magistrate 1st Class, Moga whereby the petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- under Section 354 IPC and the impugned judgment dated 19.11.2014 passed by learned Addl. Sessions Judge, Moga, whereby appeal filed by the petitioner against the judgment of conviction and order of sentence dated 15.01.2014 has been dismissed, are wrong, illegal and the same deserve to be set aside.

I have heard learned counsel for the petitioner and have gone through the record.

The brief facts of the case are that on 20.11.2007, complainant Bimal Kaur got recorded her statement on the basis of which FIR was registered. As per the prosecution version, the prosecutrix aged about 9 years, was called by Mandeep Singh @ Gollu from the school and taken her to his house when she was drinking water with her friends in the recess time. Regarding this, friends of prosecutrix informed the complainant and the complainant along with her daughter-in-law and neighbour went to the house of Mandeep Singh. Mother of the accused was not present in the house. They heard cries of her grand daughter and saw that Mandeep Singh was molesting her grand daughter with guilty intention and when Mandeep Singh saw them, he fled away. To specifically prove the charge against the accused, prosecution examined prosecutrix as PW-1, Bimal Kaur as PW-2 and Inspector Bachan Singh as PW-3.

The perusal of the judgments passed by the Courts below shows that PW-1 and PW-2 have consistently deposed regarding prosecution version against the accused. This is a revision petition. This Court is not to re-appreciate the evidence like Court of an appeal. Nothing has been pointed out as to what illegality has been committed by the Courts below while passing the impugned judgments and order. Also nothing is pointed out as to how these impugned judgments are perverse. Learned counsel for the petitioner has not pointed out as to which material evidence has been misread or which material evidence

has been left by the Courts below. There are concurrent findings of the Courts below regarding holding the accused guilty. Accused has been sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- under Section 354. In no way, the sentence can be held as excessive.

From the perusal of the record, I find that the impugned judgments and order passed by the Courts below are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

January 13, 2015
Vgulati

(INDERJIT SINGH)
JUDGE