

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

**Criminal Revision No.1020 of 2008
Date of decision : 24.09.2016**

Trilok Chand

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present: Mr. Surender Lamba, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

T.P.S. MANN, J. (Oral)

Trilok Chand-petitioner, who is referred to as Trilok Singh in the judgments passed by the learned Courts below, filed the present revision under Section 401 Cr.P.C. for challenging the judgment dated 12.05.2008 passed by learned Additional Sessions Judge (Fast Track Court), Bhiwani and judgment and order dated 05.06.2004 passed by learned Sub-Divisional Judicial Magistrate, Charkhi Dadri.

The petitioner was tried for committing offences under Sections 353, 332, 186 and 506 IPC on the allegations that on 23.10.1997, he had assaulted Chander Singh and slapped him in the Court room at the time of recording of examination-in-chief of said Chander Singh. When Sh. Randhir Kumar Dogra, Judicial Magistrate First Class, Charkhi Dadri ordered his

Naib Court-Ram Avtar to take the petitioner in custody, the petitioner also slapped him, besides threatening him as well as Chander Singh. The Magistrate then directed the police to take necessary action against the petitioner by registering the case against him for the aforementioned offence.

The trial Court after holding the petitioner guilty for the aforementioned offences, sentenced him as mentioned below:-

- (i) Rigorous imprisonment for three months and to pay a fine of ₹ 500/- for the offence under Section 186 IPC and in default of payment of fine, to undergo simple imprisonment for one month;
- (ii) Rigorous imprisonment for three years and to pay a fine of ₹ 2,000/- for the offence under Section 332 IPC and in default of payment of fine, to undergo simple imprisonment for three months;
- (iii) Rigorous imprisonment for two years and to pay a fine of ₹ 1,000/- for the offence under Section 353 IPC and in default of payment of fine, to undergo simple imprisonment for three months; and
- (iv) Rigorous imprisonment for two years and to pay a fine of ₹ 1,000/- for the offence under Section 506 IPC and in default of payment of fine, to undergo simple imprisonment for 1 ½ month.

All the sentences were ordered to be run concurrently. The fine amount imposed was deposited by the petitioner there and then.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal but remained unsuccessful as the same came to be disposed of by the learned Additional Sessions Judge, Fast Track Court, Bhiwani.

Still not satisfied, the petitioner preferred the present revision, which stood admitted vide order dated 30.05.2008. Subsequently, vide order dated 08.09.2008, this Court had suspended his sentence of imprisonment and released him on bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate, Bhiwani.

Learned counsel for the petitioner submits that he does not challenge the conviction of the petitioner for the offences under Sections 332, 353, 186 and 506 IPC, as recorded by the learned trial Court and upheld by the learned lower appellate Court. However, he submits that the petitioner is facing agony of criminal prosecution for the last about nineteen years. At the trial of the case, he was seventy years of age, which was depicted in the judgment passed by the learned trial Court. But now, he is in his mid eighties. In his younger days, he was part of the disciplined force. It is further submitted that the petitioner is not a previous convict. It is also submitted that he has already undergone a period

of about four and half months. He is now on bail for the last about eight years. There is no material on the record, which may indicate that after being granted the concession of bail, he has mis-used it in any manner. Prayer has, accordingly, been made for setting aside his remaining substantive sentence of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that the petitioner had no business to assault or threaten the Naib Court. It is further submitted that as the petitioner had earlier belonged to the disciplinary force, he was required to maintain decorum while putting in appearance before the Court, in which the proceedings against him were going on in the civil case filed by Chander Singh. Learned State counsel has, however, produced the custody certificate, as per which, the petitioner has already undergone an actual sentence of imprisonment of four months and twelve days. It has also been mentioned therein that apart from the present case, he is neither involved nor convicted in any other case.

Having heard learned counsel for the parties and taking into consideration the aforementioned circumstances, this Court is of the view that no useful purpose will be served by sending the petitioner behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice shall be suitably met, if the substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, conviction of the petitioner for the offences under Sections 186, 332, 353 and 506 IPC, as recorded by the Courts below is upheld. His substantive sentences of imprisonment on all the counts shall stand reduced to the one already undergone by him. The amount of fine imposed for the offences under Sections 186, 353 and 506 IPC alongwith their default clauses is maintained. However, the fine of ₹ 2,000/- imposed upon him for the offence under Section 332 IPC is hereby enhanced to ₹ 10,000/-. The enhanced amount of fine, i.e. ₹ 8,000/- be deposited by the petitioner with the trial Court within three months from today, failing which, he shall be required to undergo simple imprisonment for six months.

The revision is, accordingly, disposed of.

(T.P.S. MANN)
JUDGE

September 24, 2016

Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

No