

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH  
Sr. No.: 214

Criminal Revision No.1300 of 2012 (O & M)  
Date of Decision: April 27, 2016

Sunil

..... PETITIONER

*VERSUS*

State of Haryana

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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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?

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PRESENT: - Mr. Vikas Sharma, Advocate, for the petitioner.

Mr. S.S. Pannu, Deputy Advocate General, Haryana.

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Jaspal Singh, J

1. The instant revision petition has been preferred by the accused – petitioner, challenging judgment dated March 1, 2012 passed by the Additional Sessions Judge, Jind whereby judgment of conviction dated April 21, 2011 and order of sentence dated April 22, 2011, passed by the Chief Judicial Magistrate, Jind, in case bearing FIR No.735 dated October 20, 2010, under Sections 387/506 IPC, Police Station, City Jind, has been upheld.

2. Instant case stands registered on the basis of complaint lodged by Gaurav Goyal with the allegation(s) that on October 17, 2010 at about 11.30 AM, Durga Parsad, a vendor at the Railway Station, Jind handed over a letter to his father Hari Parkash Goyal whereby Sunil Kumar @ Chun raised a demand of ₹ 25 lac as ransom with further direction to pay the same on October 29, 2010, when he will be produced in the court of Sessions Judge, Sonapat. On failure to meet with the demand so raised, he extended threats to chop off the life of the complainant as well as his father.

3. After completion of investigation, challan against accused – petitioner, was presented in the court of jurisdictional Magistrate. He was supplied the copies of police report and other documents appended therewith as required under Section 207 Cr.P.C., free of costs.

4. Finding a prima facie case against the accused, he was charge-sheeted for offence under Section 387 IPC, to which, he pleaded not guilty and claimed trial.

5. In order to prove the charge, prosecution examined as many as five witnesses.

6. Incriminating circumstances appearing in the prosecution evidence were put to accused in his statement under Section 313 Cr.P.C. who denied the same, pleaded innocence and complained of false implication. No evidence in defence was led.

7. After hearing learned counsel for the parties and having gone through the material available on record, the Trial Court vide judgment dated April 21, 2011, held the accused guilty, convicted under Section 387 IPC and sentenced him to undergo RI for a period of three year and fine

to the tune of ₹ 1,000/- and in default of payment of fine, to further undergo simple imprisonment for three months.

8. An appeal preferred by the accused – petitioner challenging his conviction and sentence before the lower appellate court was dismissed vide judgment dated March 1, 2012.

9. Dis-satisfied accused – petitioner has approached this Court by way of instant revision petition challenging his conviction and sentence imposed by the courts below vide judgments/orders referred to above.

10. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction on merits, however, a lenient view be taken qua quantum of sentence.

11. This Court has also scrutinized the impugned judgment(s) as well as the relevant documents/ evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

12. As far as quantum of sentence is concerned, there are mitigating circumstances to take lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Undoubtedly, the petitioner is facing the agony of protracted trial for the last more than 5 years after registration of the instant case. He is the sole bread earner and has to support his old aged parents. Apart from it, as per custody certificate dated January 21, 2016, petitioner has already suffered incarceration for a period more than 1 year 1 month as on today. Thus, this Court is of the considered view that a chance be given to him to improve himself and to become a good citizen.

13. Taking into consideration the totality of facts and circumstances, though, conviction of the petitioner is upheld but the sentence imposed upon them under Section 387 IPC is reduced to the period already undergone by the petitioner but with no change in fine clause.

14. With the above modification in the sentence, the revision petition is dismissed.

**April 27, 2016**  
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**(Jaspal Singh)**  
**Judge**