

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

CRR No. 1155 of 2016

Date of decision : 21.07.2016

Ajay Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

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

Mr. K.S. Aulakh, AAG Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioner was tried and convicted under Sections 452, 354, 506 IPC.

Though, the case of the accused was of denial, but the learned trial Court on appraisal of the evidence on record, convicted the accused under Section 452 and sentenced him to undergo rigorous imprisonment for a period of two years and to pay fine of Rs. 1,500/- and in default of payment of fine to undergo rigorous imprisonment of one month and under Section 354 to undergo rigorous imprisonment of one year and to pay fine of Rs. 1,000/- in default of payment of fine, to further undergo rigorous imprisonment of one month. Both the sentences were ordered to run concurrently.

The appeal preferred by the accused was dismissed. Hence, the revision petition.

On 06.05.2016 when this revision petition came up for hearing, learned counsel for the petitioner had not touched the merits of the case and had confined his submissions to the quantum of sentence. Therefore, notice on the limited question of quantum of sentence was issued.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the incident is of the year 2012 and the FIR was lodged after a delay of 3 days and the petitioner had already undergone one year and 2 months of custody out of two years and the complaint was by a married woman who had three children and he was not challenging the conviction and was limiting his submission only to the quantum of sentence. Petitioner was the first offender.

On the other hand, learned State counsel had opposed the prayer.

Undisputedly, the occurrence pertains to the year 2012, keeping the circumstances into view, sentence of the petitioner is reduced to the period already undergone under Section 452, 354 IPC. The sentence of fine would remain unchanged. If the fine is not deposited, it would be deposited within two months failing which he would undergo the default sentence. Copy of the order be sent to the concerned CJM. With the above modification, the instant revision petition stands disposed of.

21.07.2016
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(ANITA CHAUDHRY)
JUDGE