

Criminal Revision No.2316 of 2015
Date of Decision: September 23, 2016

Sunita and another

..... PETITIONERS

VERSUS

State of Haryana

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Narinder Singh, Advocate, for the petitioners.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

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Jaspal Singh, J.

1. The instant revision has been preferred by Sunita and Manju challenging judgment of conviction dated July 18, 2013 and order of sentence dated July 20, 2013, passed by the Sub Divisional Judicial Magistrate, Charkhi-Dadri, in case bearing FIR No.286, dated October 06, 2006, under Sections 323 and 325 of IPC read with Section 34 IPC, registered at Police Station Sadar Dadri as well as judgment dated June 05, 2015 passed by learned Additional Sessions Judge, Bhiwani. Vide judgment of conviction dated July 18, 2013 and order of sentence dated July 20, 2013, they were convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Sunita	323 IPC	01 year	1000/-	03 months

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Manju	323 IPC	01 year	500/-	03 months
	325 IPC	03 years	4000/-	06 months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioners preferred an appeal which was also dismissed vide judgment dated June 05, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioners filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioners submits that he does not press the petition qua conviction, however, the petitioners be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant document(s)/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 petitioners under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioners is upheld.

3. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioners are facing the agony of protracted trial for a period of approximately 10 years after registration of the instant case and are poor persons having two small children. Accused – petitioners are also first offenders. There are no other cases of similar nature, either pending or disposed of, against the petitioners, who had already suffered incarceration for a period of 01 month & 04 days, as is evident from custody certificates dated

23.09.2016. Thus, this Court is of the considered view that a chance be given to the petitioners to reform & improve herself; to become good citizens; and to lead a peaceful & harmonious life.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioners is upheld but the sentence imposed upon them by the courts below is modified/reduced as under:

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Sunita	323 IPC	06 Months	1000/-	03 months

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Manju	323 IPC	06 months	500/-	03 months
	325 IPC	01 year	4000/-	06 months

5. With the above modification in sentence, revision petition stands dismissed.

September 23, 2016
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(Jaspal Singh)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**