

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Rev. No.2496 of 2015

Date of Decision: 18.05.2016

Satnam Singh @ China

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Gursimran Singh Bhatia, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J.

Petitioner-Satnam Singh @ China was accused in Criminal Case No.188 of 2011 filed by complainant-Asha Rani and he faced trial for offences punishable under Sections 457, 380, 354, 294 and 506 IPC.

As per allegations in the complaint, when in the intervening night of 29.10.2010, the complainant was sleeping with her two children in her house, accused-Satnam Singh alias China, whom she knew entered into her room after scaling the boundary wall, started touching the complainant and did some obscene acts. When she opposed, he started using filthy language and even threatened her. Thereafter, complainant raised an alarm and accused fled away and while leaving her room, he

took away the mobile phone of the complainant. After hearing the noise of the complainant, her tenant-Joginder Singh came out but by that time, accused-petitioner-Satnam Singh fled away from the spot. It was also stated in the complaint that she could not inform the police immediately as it was late night. On the basis of statement of the complainant, the FIR was registered against the accused and he was arrested on 28.11.2010. On his disclosure statement, mobile phone make L.G was recovered. On completion of investigation, challan was presented against the accused-petitioner and thereafter, the charge was framed against him under Sections 457, 380, 354, 294 and 506 IPC.

After appreciation of evidence and on conclusion of trial, the accused-petitioner was convicted for offence punishable under Sections 354, 380, 457 and 506 IPC and was sentenced to undergo rigorous imprisonment for a period of two years under Sections 354 and 506 IPC. He was also sentenced to undergo rigorous imprisonment for a period of three years under Sections 380 and 457 IPC with fine of ₹ 1,000/- each.

The judgment of conviction and order of sentence passed by the trial Court on 17.03.2014 was challenged by way of filing an appeal before the Additional Sessions Judge, Amritsar, which was partly allowed as the conviction of the petitioner under Sections 380/506 was set aside, whereas, the conviction and sentence under Sections 457/354 IPC was maintained vide judgment dated 30.03.2015.

The present revision petition has been filed to challenge the judgment of the trial Court as well as of the lower Appellate Court.

Learned counsel for the petitioner has raised various arguments in support of his contention, like-there was delay in lodging of the FIR which has also not been explained. The witnesses examined by the prosecution were interested witnesses and there were serious

contradictions in their statements but the same have not been appreciated by both the Courts below.

When the Court is not inclined to interfere with the judgment of conviction and order of sentence, learned counsel for the petitioner submits that the petitioner is facing the agony of trial since lodging of FIR i.e 30.10.2010 and he has also undergone actual custody of more than 14 months. There is no other case pending against the petitioner. It has also been argued that the petitioner is first offender and is the only bread winner of his family, hence, by taking a lenient view, the sentence of the petitioner may be reduced to the period already undergone. Learned counsel for the petitioner also submits that the petitioner is ready to compensate the complainant in monetary terms.

Learned counsel for the respondent-State submits that some reasonable amount may be awarded to the complainant as compensation.

Heard the arguments of learned counsel for the parties and have also perused the judgments of both the Courts below.

The conviction by the trial Court and dismissal of appeal by the lower Appellate Court are not disputed. On perusal of documents available on the file and after hearing the arguments of learned counsel for the petitioner, this Court is not inclined to interfere with the judgment of conviction and order of sentence but by considering the submission of learned counsel for the petitioner that the petitioner is not a habitual offender as no other case is pending against him; he is facing the agony of trial since lodging of complaint dated 30.10.2010; has a large family to support and is also ready to compensate the complainant in monetary terms and the actual sentence undergone by the petitioner i.e a period of more than 14 months against the total sentence of three years, the sentence of the petitioner is reduced to the period already undergone.

However, the judgment of conviction is upheld. Sentence of the petitioner is reduced to the period already undergone subject to payment of an amount of ₹ 50,000/- to the complainant within a period of one month from the date of receipt of certified copy of this Order.

However, in case, the amount as ordered, is not deposited within the prescribed period, the petitioner shall have to undergo the remaining part of his sentence. The sentence of fine shall remain the same.

The revision petition is disposed of with the modification of sentence as mentioned above.

18.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE