

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 225

Criminal Revision No.2571 of 2015 (O & M)

Date of Decision: May 20, 2016

Sonu Masih @ Akarsh Masih

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

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. Ritesh Pandey, Advocate, for the petitioner.

Mr. K.S. Pannu, Deputy Advocate General, Punjab.

. . .

Jaspal Singh, J

1. The instant revision has been preferred by Sonu Masih @ Akarsh Masih challenging judgments/Order(s) dated June 10, 2013 passed by the Judicial Magistrate, Ist Class, Gurdaspur, in case bearing FIR No.39 dated March 22, 2009 under Sections 304-A, 279 & 427 IPC, Police Station Dhariwal as well as judgment dated June 06, 2015 passed by learned Additional Sessions Judge,

Gurdaspur. Vide judgment/order dated June 10, 2013, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Sonu Masih @ Akarsh Masih	304-A IPC	2 years	4,000/-	Six Months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated June 06, 2015 passed by the lower appellate court. Aggrieved from the judgment passed by both the courts below petitioner filed this revision petition.

2. While issuing notice of motion on January 22, 2016, this Court passed the following order:-

“Learned counsel for the petitioner submits that he does not want to challenge the conviction on merits. However, he has pleaded that let the matter be considered on the quantum of sentence.

Notice of motion for 01.04.2016 only qua quantum of sentence.

Notice re:suspension of sentence as well.”

3. This Court has also scrutinized the impugned judgments 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 petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

4. 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 petitioner is facing the agony of protracted trial for the last more than 7 years after registration

of the instant case, a source for livelihood for their old aged parents. Accused – petitioner is first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner. Moreover, petitioner has already suffered incarceration for a period of approximately 11 months by now, as is evident from custody certificate dated March 31, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner namely Sonu Masih @ Akarsh Masih be released forthwith if his custody is not required in any other case.

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

May 20, 2016
avin/ankur

(Jaspal Singh)
Judge