

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

**Criminal Revision No.145 of 2016 (O&M)
Date of decision: 17.03.2016**

Joga Singh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see 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. Rajinder S. Rana, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent – State.

Daya Chaudhary, J.

Petitioner-Joga Singh faced trial in case FIR No.61 dated 25.05.2011 registered under Section 354 of Indian Penal Code (hereinafter called as 'IPC') at Police Station Jhansa, (Kurukshetra) on the basis of complaint made by the complainant-Santosh Devi and was convicted for the said offence and was sentenced to undergo RI for a period of one year and to pay fine of ₹500/- with default clause vide judgment dated 02/05.03.2015 passed by the Judicial Magistrate Ist Class, Kurukshetra.

Aggrieved by the said judgment of conviction and order of sentence dated 02/05.03.2015, the petitioner preferred an appeal

before the Additional Sessions Judge, Kurukshetra but the same was dismissed with modification of sentence of imprisonment vide judgment dated 09.12.2015 and the sentence was reduced from one year to six months but the sentence of fine remained the same.

After loosing the case before both the Courts below, the petitioner has filed the present revision petition to challenge the judgments passed by both the Courts below.

Learned counsel for the petitioner has raised various arguments to contest the judgments passed by the trial Court as well as the Appellate Court but when the Court is not inclined to interfere with the judgment of conviction, he submits that by taking a lenient view, the sentence be reduced to the period already undergone as the petitioner is facing the agony of trial since the lodging of the FIR i.e., 25.05.2011. Learned counsel further submits that the petitioner is not a previous convict as no other case is pending against him. He is a poor person and has a large family to support including old parents, who are dependent upon him. Learned counsel for the petitioner also submits that the petitioner has already undergone actual sentence of more than 3 months against total sentence of six months.

Custody certificate has been filed in the Court today and the same is taken on record.

Learned State counsel has not disputed the custody period undergone by the petitioner but submits that the judgments passed by both the Courts below are well reasoned and no

interference is required by this Court.

Heard arguments of learned counsel for the petitioner as well as of learned State counsel and have also perused the judgments of both the Courts below.

On perusal of evidence available on record and after hearing arguments of learned counsel for the petitioner, no interference is required in the judgment of conviction but by considering the limited prayer of the petitioner that he does not want to contest the judgment of conviction in case, the sentence is reduced to the period already undergone; the fact that the petitioner is facing criminal litigation since lodging of FIR i.e., 25.05.2011; he is not a previous convict as no other case is pending against him; he is a poor person and has a large family to support; and he has undergone actual sentence of more than 3 months against total sentence of six months, the request of the petitioner is accepted and his conviction is upheld and sentence is reduced to the period already undergone by him subject to deposit of an amount of ₹10,000/- before the trial Court/Duty Magistrate within a period of one month from the date of receipt of certified copy of this order, which shall be paid to the complainant.

In case, the petitioner fails to deposit the aforesaid amount within the stipulated period, this revision petition shall be deemed to have been dismissed and the petitioner shall have to undergo the remaining period of sentence as per judgment passed by the

Appellate Court.

The revision petition is disposed of with the said modification in sentence by upholding the judgment of conviction.

17.03.2016
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(DAYA CHAUDHARY)
JUDGE