

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

Crl. Revision No. 1521 of 2016 (O&M)

Date of Decision: 09.09.2016

Saurav Batra

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. C.M. Munjal, Advocate
for the petitioner.**

Mr. J.S. Bhullar, AAG Punjab.

ANITA CHAUDHRY, J.

The petitioner was tried by the learned Judicial Magistrate Ist Class, Abohar for an offence under Section 354 IPC. The allegations were that on 05.05.2015 he teased the complainant, a widow and caught hold of her arm.

During trial the prosecution produced six witnesses.

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 354 IPC and sentenced him to undergo rigorous imprisonment of one year and to pay a fine of Rs. 2000/-. Fine was paid by the petitioner before the trial Court.

The appeal preferred by the accused was dismissed on 07.04.2016. Hence, this revision petition.

On 25.04.2016 when this revision petition came up for hearing, learned counsel for the petitioner did not touch on the merits of the case and

confined his submissions only on the quantum of sentence imposed upon the petitioner.

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

It was contended by learned counsel that the complainant was a widow and the petitioner was 19 years old at the time of occurrence. He had submitted that the petitioner is the first offender and he has lost his parents. He had further submitted that the petitioner has undergone about six months of custody and seeks benefit of probation.

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

Undisputedly, the petitioner is the first offender. As per custody certificate he is not involved in any other case. He was just nineteen years of age at the time of occurrence. His mother died during pendency of this revision petition. He is the sole bread winner of the family. He had not used any criminal force upon the complainant. I am of the considered opinion that the petitioner must be given a chance to reform as there is nothing on record to indicate that it is impossible to reform the accused or that he cannot become law abiding citizen. Reference can be made to **Mulakh Raj Vs. State of Haryana 1991(3) RCR(Crl.) 180**, **Smt. Ram Dai Vs. Subha Chand 1991(1) RCR(Crl.) 320** and **Jagdish Vs. State of Haryana 1993(1) Crimes 1029**.

In view of the above, the conviction of the petitioner is maintained. Taking into account the mitigating circumstances, the sentence of imprisonment is set aside and the petitioner is ordered to be released on probation of good conduct under Section 360 Cr.P.C. for a period of one

year subject to his furnishing bonds for maintaining peace and be of good behaviour before the CJM, Fazilka within one month and shall undergo the remaining sentence on his failure to abide by the conditions as and when called upon. The petitioner shall also deposit Rs.5000/- within one month before the CJM concerned which shall be treated as cost of proceedings. The petitioner be released, if not required in any other case.

With the above modification, the instant revision petition stands disposed of.

September 09, 2016
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No