

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 1531 of 2016 (O&M)

Date of Decision: 23.08.2016

Dablu @ Suresh

.. Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present:- Mr. Pankaj Mehta, Advocate for the petitioner

Mr. Apoorv Garg, DAG Haryana.

ANITA CHAUDHRY, J.

The petitioner was tried by the learned Judicial Magistrate Ist Class, Hisar, under Sections 363, 452 and 354 IPC, Police Station Sadar, Hisar on the allegations that on 02.11.2011 he trespassed in the house of complainant and picked up his daughter when she was sleeping and on raising noise he threw her on the road and tried to flee.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, convicted the accused under Sections 354, 452 and 363 IPC and substantively sentenced him to undergo simple imprisonment of six months under Section 354 IPC, simple imprisonment of one year and to pay a fine of Rs. 500/- under Section 452 IPC, simple imprisonment of one year and to pay a fine of Rs. 500/- under Section 363 IPC. In default of fine, simple imprisonment for one month was awarded. All the sentences were ordered to run concurrently.

The appeal preferred by the accused was dismissed on 20.02.2016. Hence, this revision petition.

On 25.04.2016 when this revision petition came up for hearing, learned counsel had restricted his prayer only to the quantum of sentence. Limited notice

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

It has been contended by learned counsel for the petitioner that the occurrence is of the year 2011 and the petitioner has undergone the agony of a protracted trial and thereafter his appeal was dismissed and all this exercise took more than 4 ½ years. He submits that the petitioner is a first offender and is in custody for the last about six months and he has already undergone the sentence awarded under Section 354 IPC and prays for a lenient view.

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

Since the findings recorded by the two Courts below have not been contested, conviction of the petitioner is maintained. Considering the fact that the petitioner is the first offender and during this period he has not indulged in any similar offender and that the fact that he has undergone about six months of custody, this Court is of the considered view that ends of justice would met if his sentence is reduced to the period already undergone by him under Sections 354, 452 and 363 IPC. Ordered accordingly. The petitioner shall pay a sum of Rs. 20,000/- to the complainant as compensation. The amount of compensation shall be deposited within one month from today with CJM, Hisar. In default of payment of compensation, the defaulter would undergo imprisonment as awarded by the Court below. The amount of compensation, on realization, shall be paid to the complainant on identification. On deposit, intimation shall be sent to the complainant.

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

August 23, 2016
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(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No