

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

**Crl. Rev. No.176 of 2016 (O&M)**

Date of Decision: 19.02.2016

Ravinder

....Petitioner

Versus

State of Haryana

....Respondent

**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. Navneet Singh, Advocate  
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana  
for the respondent-State.

\*\*\*\*\*

**DAYA CHAUDHARY, J.**

This revision petition has been filed to challenge the judgment of conviction and order of sentence dated 21/23.10.2010 passed by the Judicial Magistrate Ist Class, Hansi, vide which, the petitioner has been convicted for offence under Sections 354 and 452 IPC and was sentenced to undergo simple imprisonment for six months each under both the sections with fine of ₹ 2,000/- with default clause. Against the aforesaid judgment, an appeal was filed before the Additional Sessions Judge, Hisar, whereby, the conviction and sentence of the appellant was upheld vide judgment dated 06.11.2015.

Briefly, the facts of the case are that one Raj Kalan made a statement to the police to the effect that on 07.05.2005, she was going

along with her husband Jagdish and son Parveen to bring chaff and her daughter was all alone at home. When she reached her home at about 9.00 a.m, the door of the house was locked from inside and she found her daughter crying. She saw from the window that accused-Ravinder was doing obscene act forcibly with her daughter. On opening the door, said Ravinder fled away from the spot. The medical examination of the victim was conducted. On the basis of statement of the complainant, FIR was registered under Sections 452/354 IPC. The accused was charge-sheeted for commission of offence punishable under Sections 354/452 IPC. Thereafter, he faced trial and was found guilty for commission of offence punishable under Sections 354/452 IPC and was convicted by the Judicial Magistrate Ist Class, Hansi vide judgment dated 21.10.2010. He was sentenced to undergo rigorous imprisonment for a period of six months for commission of offence punishable under Section 354 IPC and to pay a fine of ₹ 2,000/- with default clause. He was also convicted and sentenced to undergo rigorous imprisonment for a period of six months for offence punishable under Section 452 IPC and to pay a fine of ₹ 2,000/- with default clause. Both the sentences were ordered to run consecutively.

Aggrieved by said judgment of conviction and order of sentence, the accused-petitioner preferred an appeal before the Additional Sessions Judge, Hisar but the same was also dismissed on 06.11.2015 and the judgment passed by the trial Court was upheld.

The petitioner, after losing his case before the two Courts below, has filed the present revision petition by raising various arguments.

When the Court is not inclined to interfere with the judgment of conviction, learned counsel for the petitioner submits that the petitioner is a young man and is facing the agony of trial since lodging of FIR i.e 07.05.2005 and has also undergone actual custody of approximately

3½ months against the total sentence of six months and in case, the remission is included, then it comes approximately to four months. Learned counsel also submits that the petitioner belongs to a poor family and he is not a previous convict; he is having old aged parents to support and no other male member is there in his family to look after them. Learned counsel for the petitioner prays that a lenient view be taken by reducing the sentence of the petitioner to the period already undergone as he has undergone custody of approximately four months including remissions.

Learned counsel for the respondent-State has not disputed the custody period.

In view of the submissions made by learned counsel for the petitioner that the petitioner has undergone 03 months and 29 days after including remissions and is facing the agony of trial since lodging of the FIR i.e 07.05.2005; he is not a previous convict as no other case is pending against him, the request is accepted. The sentence of the petitioner is reduced to the period already undergone. However, the judgment of conviction is upheld and fine has already been deposited.

The present revision petition is disposed of with the said modification of sentence.

The petitioner be released forthwith, if not required in any other case.

19.02.2016  
**gurpreet**

(DAYA CHAUDHARY)  
JUDGE