

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 234

ANKUR GOYAL
CHANDIGARH
I attest to the accuracy and
authenticity of this document

Criminal Revision No.1867 of 2016 (O&M)

Date of Decision: August 11, 2016

Sarabjit Kaur

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Bhriugu Dutt Sharma, Advocate, for the petitioner.

Mr. B.S. Cheema, Deputy Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Sarabjit Kaur challenging judgment/Order dated November 10, 2012 passed by the Chief Judicial Magistrate, Jalandhar, in case bearing FIR No.185 dated July 15, 2008, under Sections 420, 465, 468, 471 of IPC, registered at Police Station Division No.4, Jalandhar, as well as judgment dated April 06, 2016 passed by learned Additional Sessions Judge, Jalandhar. Vide judgment/order dated November 10, 2012, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Sarabjit Kaur	420 IPC	2 years	1000/-	One month
	465 IPC	2 ½ years	1000/-	One month
	468 IPC	2 ½ years	1000/-	One month
	471 IPC	2 years	1000/-	One month

Dis-satisfied with the aforesaid judgment/order of conviction and sentence, the accused – petitioner preferred an appeal wherein, the Lower Appellate Court vide judgment dated April 06, 2016, upheld the conviction, however, reduced the sentence as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Sarabjit Kaur	420 IPC	2 years	1000/-	One month
	465 IPC	2 years	1000/-	One month
	468 IPC	2 years	1000/-	One month
	471 IPC	2 years	1000/-	One month

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) 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.

3. 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 modified by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for approximately 8 years and 1 month after registration of the instant case and is

an old lady. Accused – petitioner had already suffered incarceration for a period of approximately one year, eight months & six days by now, as is evident from custody certificate dated August 11, 2016. Thus, this Court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon her by the courts below is reduced to the period already undergone by her, with no change in fine clause and even if any sentence of fine is pending in other cases shall be seen by the jail authorities as it has no connection with this case.

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

CRM No. 16320 of 2016

The instant application for suspension of sentence is rendered infructuous since the main petition has been disposed of with modification in sentence imposed upon the petitioner.

August 11, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No