

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 1905 of 2016 (O&M)

Date of Decision: 17.08.2016

Davinder Singh @ Gagga

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present:- Mr. B.S. Aulakh, Advocate for the petitioner

Mr. V.P.S. Sidhu, AAG Punjab

ANITA CHAUDHRY, J.(ORAL)

The petitioner was tried by the learned Judicial Magistrate Ist Class, Ludhiana under Sections 323, 354, 452 and 506 IPC on the allegations that on 26.08.2011 he entered in the house of the complainant and tried to compel her to sign on some application and when she refused to sign, he gave beatings to her and tore her clothes and threatened her with dire consequences.

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 323, 354, 452 and 506 IPC and substantively sentenced him to undergo simple imprisonment of one year and to pay a fine of Rs. 1000/- under Section 323 IPC, simple imprisonment of two years and to pay a fine of Rs. 1000/- under Section 354 IPC, simple imprisonment of two years and to pay a fine of Rs. 1000/- under Section 452 IPC and simple imprisonment of two years and to pay a fine of Rs. 1000/- under Section 506 IPC. In default of fine, simple imprisonment for one month was awarded under the default clause. Both the sentences were ordered to run concurrently.

Aggrieved by the judgment the petitioner preferred an appeal before the Addl. Sessions Judge, Ludhiana who reduced the sentence from SI of a period of two years to SI for a period of 1 ½ years for the offences punishable under

Sections 354, 452 and 506 IPC whereas the SI awarded by the learned trial Court

for the offence punishable under Section 323 IPC remained intact.

On 29.07.2016 when this revision petition came up for hearing, learned counsel had restricted his prayer only to the quantum of sentence and stated that petitioner has already undergone more than a year out of one and a half year.

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 2012 and the petitioner has undergone the agony of a protracted trial of four years. He submits that the petitioner is a first offender and is in custody for the last more than a year 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 1 year, 1 month and 18 days 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, 506 IPC. Ordered accordingly. There would be no modification with regard to the fine. In case the petitioner has not deposited the fine, the same be deposited within two months and he be released forthwith in this case, if not required in any other case.

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

August 17, 2016

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**(ANITA CHAUDHRY)
JUDGE**

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No