

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

**Crl. Revision No.216 of 2016 (O&M)
Date of Decision: 28.05.2016**

Babloo

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Ms. Dimple Jain, A.A.G. Haryana.

ANITA CHAUDHRY, J.

1. The petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 1½ years along with fine of Rs.2000/- for commission of offence under Section 354 IPC. In default of payment of fine, he was to further undergo simple imprisonment for a period of 1 month. Fine was deposited. The appeal preferred by the appellant was also dismissed. This revision has been filed assailing both the judgments/orders.

2. Before referring to the submissions with respect to the sentence part, it is necessary to notice few facts. The complainant's daughter had gone to fetch milk on 02.01.2012 at 6:30 PM, the accused caught hold of her and dragged her to the hospital, which is near the

milk booth and outraged her modesty. The victim was accompanied by the younger sister. Both the girls cried for help and in the commotion Bablu managed to flee. The incident was narrated to the family and they approached the Sarpanch who promised to handle it the next day but no action was taken. On the next day, the complainant came across Babloo and an altercation ensued and Babloo called 5 – 6 other persons who abused the complainant and his wife and threatened that if the incident was reported they would be done to death. The matter was reported to the police and FIR was registered under Section 354 IPC. The trial commenced and the prosecution examined the victim, her parents, the police officials and the younger sister of the victim.

3. The accused pleaded false implication and examined witnesses vouching for his character. Rajesh Kumar DW-4 had attested the affidavit stated to be given by the complainant.

4. The trial Court accepted the statement of the witnesses and rejected the testimony of the defence witnesses. It was also stated that a compromise had been effected but later the FIR was lodged under some influence. The Court rejected the affidavit Ex.D2 given by the complainant and observed that the affidavit did not prove that the incident had not occurred.

5. The appellate Court also rejected the appeal.

6. The petitioner had restricted his prayer only to the quantum of sentence, therefore, the revision has to be examined in the restricted frame.

7. Custody certificate has been placed on record, the petitioner has undergone actual sentence of 04 months and 25 days.

8. The counsel for the petitioner contends that the petitioner is only 23 years old and had undergone custody for almost 05 months and a lenient view be taken.

9. The State counsel had submitted that the sentence awarded was already on the lower side.

10. Since the prayer is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner are affirmed. The petitioner is in custody since 04.01.2016. There was a two days custody as an under trial. The total custody comes to 04 months and 25 days as on 27.05.2016. Considering the entire facts and the circumstances, I am of the view that the sentence can be reduced considering the young age and his first offence. The sentence is reduced to 6 months. There would be no modification in the sentence of fine which has already been paid.

With this modification alone, the revision petition is disposed of.

(ANITA CHAUDHRY)
JUDGE

28.05.2016
sunil