

Nirmal Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1.

Whether reporters of local newspaper may be allowed to see 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. Gurcharan Singh, Advocate for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

DAYA CHAUDHARY, J.

The petitioner faced trial in criminal complaint No. 76 of 2006/2012 under Sections 323,354,506 IPC at Police Station Panjokhra, Tehsil and District Ambala and was ultimately convicted by Judicial Magistrate Ist Class, Ambala vide its judgment dated 7.1.2015 and was sentenced to undergo the following sentence:-

Sr. No.	Under Section	Sentence
1.	323 IPC	RI for six months
2.	354 IPC	RI for one year and ₹ 500/- as fine and in case of default of fine to further undergo RI for one month.

Sr. No.	Under Section	Sentence
3.	506 IPC	RI for six months.

Aforesaid judgment of conviction and order of sentence was challenged by the accused-petitioner by way of filing criminal appeal before Additional Sessions Judge, Ambala, which was dismissed vide judgment dated 5.10.2015 and the judgment of conviction and order of sentence passed by the trial Court was upheld.

Aggrieved by the judgments of both the Courts below, the petitioner has filed the present revision petition by raising various grounds.

Learned counsel for the petitioner contends that the petitioner is facing the agony of trial since the date of filing of the complaint i.e. 27.11.2006 and is in custody since 5.10.2015. Learned counsel by relying upon the judgments of this Court in **Hamir Singh Vs. State of Punjab** 2009 (3) RCR (Criminal) 64, **Rohtash Vs. State of Haryana** 2011 (1) RCR (Criminal) 231 and **Usha Bala Vs. State of Punjab** 2002 (3) RCR (Criminal) 445 contends that the petitioner may be released on probation or his sentence may be reduced to the period already undergone as he is not previous convict and has large family to support. The petitioner is an old person of more than 60 years of age and there is no other male member in the family. The wife of the petitioner is also dependent upon him and he is the sole bread winner of the family and some lenient view may be taken on the quantum of sentence. Learned counsel also submits that the petitioner is ready to compensate the victim in monetary terms if the sentence awarded to the petitioner is reduced to the period already undergone by him.

Learned counsel for the respondent-State has not disputed the submissions made by learned counsel for the petitioner with regard to

conviction and sentence awarded by trial Court as well as judgment of lower appellate Court. He further submits that the complainant is not present in Court today and nothing can be said at her back.

I have heard the arguments advanced by learned counsel for the parties and have also gone through the judgments of both the Courts below, which are under challenge.

Keeping in view the submissions made by learned counsel for the petitioner that the petitioner is ready to compensate the victim and is in custody since 15.10.2015; has faced the protracted trial for a period of more than 9 years; is a very poor person having no criminal background; is the only bread earner in the family, the sentence awarded to the petitioner is reduced to the period already undergone by him subject to payment of ₹ 20,000/- as compensation. The aforesaid amount be deposited by way of draft in the name of complainant before the Chief Judicial Magistrate, Ambala, within a period of two months from the date of receipt of copy of this order, which shall further be paid to the victim. The petitioner be released forthwith on deposit of the aforesaid amount, if not required in any other case. In case the said amount is not deposited by him within the stipulated period, he shall have to undergo the remainder part of the sentence.

The present revision petition stands disposed of with the aforesaid modification in sentence.

March 14, 2016
pooja

(DAYA CHAUDHARY)
JUDGE