

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 229-A

Criminal Revision No.4098 of 2014 (O & M)
Date of Decision: July 25, 2016

Jasbir Kaur @ Manjit Kaur

..... PETITIONER

VERSUS

State of Punjab & another

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Ashok Giri, Advocate, for the petitioner.

Mr. R.P.S. Sidhu, Assistant Advocate General, Punjab,
for respondent No.1- State.

Mr. Sudhir Kumar, Advocate, for respondent No.2.

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Jaspal Singh, J (Oral)

1. The instant revision petition has been preferred by Jasbir Kaur @ Manjit Kaur against judgment dated November 11, 2014 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Hoshiarpur, whereby judgment of conviction and order of sentence dated May 13, 2011 passed by Sub Divisional Judicial Magistrate, Garhshankar, in case FIR No.103 dated June 15, 2005 under Section 420 IPC, Police Station, Garhshankar, has been upheld. The petitioner alongwith co-accused Harbans Singh was convicted and sentenced by the trial court to undergo rigorous imprisonment for a period of three years alongwith fine to the tune of

₹ 2,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of 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 judgments 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 upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for the last more than 11 years after registration of the instant case and is a first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who has already suffered incarceration for a period of more than five months, as is evident from custody certificate dated July 21, 2016.

4. Besides the aforementioned factors, it would be appropriate to mention here that during the pendency of the instant petition, the parties have effected the compromise (Annexure P-3). It has been submitted that the amount due towards the petitioner has been received by the complainant party and compromise has been effected with the intervention of respectable, without any pressure. Amicable settlement of the dispute between the parties, is another major factor to take a lenient view in the matter of sentence. 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. Petitioner is hereby directed to be released forthwith.

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

Crl. Misc. No.38549 of 2014

Crl. Misc. Nos.6847 of 2016

Crl. Misc. No.9470 of 2015

Since the main revision petition has been decided, the instant applications are disposed of as having been rendered infructuous.

July 25, 2016
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No