

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

**CRR No.3055 of 2016 (O&M)**  
**Date of Decision: September 02, 2016**

Sangeeta alias Krishna

...Petitioner

VERSUS

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Shiv Kumar, Advocate  
for the petitioner.

Mr.Vikas Chopra, Deputy Advocate General, Haryana  
for the respondent-State.

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner Sangeeta alias Krishna against respondent State of Haryana, challenging the impugned judgment of conviction dated 09.12.2015 and order of sentence dated 11.12.2015 passed by learned Judicial Magistrate Ist Class, Rewari, vide which the petitioner was convicted and sentenced to rigorous imprisonment for a period of six months and to pay fine of ₹1000/- and in default of payment, to undergo simple imprisonment for a period of one month under Section 379 IPC and also challenging the judgment dated 06.08.2016 passed by learned Addl. Sessions Judge, Rewari, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of

sentence.

Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.21 dated 25.03.2010. The brief facts of the case as noted down in the judgment passed by learned JMIC, Rewari, are as under:-

*“2. The brief facts stated by the prosecution are that Suman Yadav wife of Pritam Singh Yadav, Ahir by caste, resident of Khanpur ahir District Alwar (Rajasthan) recorded her statement that she is resident of aforesaid address and is an house wife. Her husband is a teacher in Rajasthan. Today on 25.03.2010 he along with her brother in law Satbir Singh Yadav were coming from Alwar to Rewari by Intercity Train. At about 9.00 AM when Intercity Train was coming at platform No.7 Rewari, a woman age 20/24 years weared red colour saree was standing behind her and she was pushing her. When train reached at platform, there was heavy crowd and she felt that some one pushed her neck, then she saw that her gold chain is missing. She informed to her brother in law Satbir Singh Yadav and he told to his brother in law about that lady. Then she and her brother in law saw her at railway bridge. Police officials were standing there then she was raised voice, then she had been stopped by police officials standing there.*

*3. It was requested to initiate the criminal proceedings against accused. Subsequently, formal first information report was registered. During investigation, accused were arrested. After completion of investigation police presented its report under Section 173 of Code of Criminal Procedure.”*

Learned JMIC, Rewari, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Rewari, vide judgment dated 06.08.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

Learned counsel for the petitioner argued that petitioner is a

lady, first offender, poor person and she is having small children. It is

further contended that petitioner is pregnant and has placed on record the Treatment Card of the petitioner stating that she is due to deliver a baby on 17.09.2016. Learned counsel for the petitioner further contended that petitioner is suffering from criminal proceedings since 2010 and she has already undergone actual sentence of 1 month and 2 days.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is first offender, suffering from long protracted criminal proceedings since 2010 i.e. for the last about six years and in view of the fact that petitioner is pregnant and she has already undergone actual sentence of 1 month and 2 days out of the total sentence, the sentence imposed upon the petitioner is reduced to the sentence already undergone by her. However, the sentence of fine and in default thereof, shall remain the same.

Resultantly, the present revision petition stands partly allowed.

Petitioner, Sangeeta alias Krishna, who is in custody, be set at liberty forthwith, if her custody is not required in connection with any other case, subject to payment of fine, if already not paid. As argued, fine has already been paid.

**September 02, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**