

Criminal Revision No.4303 of 2015 (O&M)
Date of decision: 06th January, 2016

Vinay Chhabra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. J.S.Mehandiratta, Advocate,
for the petitioner.

Mr. Himmat Singh, DAG, Haryana,
for the respondent(s)-State.

INDERJIT SINGH, J.

Petitioner Vinay Chhabra has preferred the instant petition against respondent-State of Haryana, under Section 401 Cr.P.C., challenging the judgment of conviction and order of sentence dated 09.10.2013, passed by the learned Judicial Magistrate Ist Class, Faridabad, vide which he has been held guilty for the commission of offence punishable under Sections 294, 451 and 506 IPC and sentenced him to undergo rigorous imprisonment for a period of 02 months and to pay a fine of Rs.1,000/- and in default of payment of fine to further undergo simple imprisonment for a period of 15 days under Section 294 IPC; rigorous imprisonment for a period of 01 year and to pay a fine of Rs.2,000/- and in default of payment of fine to further undergo simple imprisonment for a period of 15 days under Section 451 IPC and rigorous imprisonment for a period of 01 year and to pay a fine of Rs.1,000/- and in default of

payment of fine to further undergo simple imprisonment for a period of 15 days under Section 506 IPC and also against the judgment dated 15.09.2015, passed by the learned Sessions Judge, Faridabad, vide which the appeal filed by the petitioner against the aforesaid judgment of conviction and order of sentence has been dismissed.

Notice of motion was issued.

Learned State counsel appeared and contested the instant revision petition.

Brief facts of the case are that complainant Ravinder Singh, brother of the victim, made a complaint to the police on 21.05.2009 that accused-petitioner Vinay Chhabra had been harassing, eve-teasing, vulgarly commenting and stalking his sister, who used to coach student near Dayanand College. It is also stated in the complaint that on that day at about 6:30 p.m., the accused alongwith his friends came to his house and started using vulgar and obscene words against his sister. On the basis of said complaint, FIR was registered against the petitioner and co-accused Narender Singh.

The prosecution, in order to prove its case, examined especially Ravinder Singh (PW3) complainant, victim (PW5) and Santokh Singh (PW4), father of the complainant and victim.

Statement under Section 313 Cr.P.C. of the accused was also recorded in which he pleaded that he is innocent. However, he did not lead any evidence in defence.

The learned trial Court, after appreciation of evidence,

convicted and sentenced the accused. The petitioner-accused also filed appeal against the judgment of conviction and order of sentence, passed by the learned trial Court, which was also dismissed by the learned Appellate Court.

At the time of arguments, learned counsel for the petitioner only prayed for reduction of sentence.

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

From the evidence on record, this Court finds that the findings regarding conviction returned by the learned trial Court are correct and as per evidence and law and similarly, the appeal filed by the petitioner qua conviction has rightly been dismissed. Therefore, the conviction of the petitioner is upheld.

As regarding reduction of sentence, this Court finds that the petitioner is the first offender and he is a young man. He is suffering from the long protracted criminal trial for the last 07 years. As per custody certificate, produced by learned State counsel, the petitioner-accused has already undergone 02 months and 18 days of actual sentence upto 02.12.2015 which means that he has already undergone more than 03 months of actual sentence till today and has already earned the remission of 15 days upto 02.12.2015.

Keeping in view the facts and circumstances of the present case and nature of the offence, the sentence of the revision petitioner is reduced to the sentence already undergone by him, subject to payment of fine, if already not paid. Petitioner Vinay Chhabra, who is in custody, be released forthwith if his custody is not

required in connection with any other case.

With the aforesaid modification, the instant revision
petition stands partly allowed.

06th January, 2016
mamta

(INDERJIT SINGH)
JUDGE