

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

Crl. Rev. No.4402 of 2015 (O&M)

Date of Decision: 28.04.2016

Sandeep Kumar

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the 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. Jasbir Mor, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, A.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J.

Petitioner-Sandeep Kumar was accused in case FIR No.24 dated 19.02.2011 registered under Sections 354/506/201 IPC at Police Station Uchana.

The FIR, in question, was registered against two persons i.e Sandeep Kumar and Rajesh and both of them faced trial. Accused-Rajesh was acquitted of the charge but Sandeep Kumar was convicted for offence punishable under Section 354 IPC and was sentenced to undergo rigorous imprisonment for a period of two years with fine of Rs.8,000/- with default clause vide judgment dated 28.11.2014 passed by the Sub Divisional Judicial Magistrate, Narwana.

The said judgment of conviction and order of sentence was

challenged by the petitioner by way of filing an appeal before the Additional Sessions Judge, Jind but the same was dismissed and the judgment of conviction and order of sentence passed by the trial Court was upheld on 01.10.2015.

The petitioner, after losing his battle before the two Courts below, has filed the present revision petition.

Notice of motion in the case was issued on 17.12.2015. Although certain arguments have been raised by learned counsel for the petitioner on merits but when the Court is not inclined to interfere with the judgment of conviction of both the Courts below, learned counsel for the petitioner submits that the petitioner has faced the agony of trial since lodging of FIR i.e 19.02.2011 and is in custody for the last more than seven months. Learned counsel also submits that the petitioner is not having any criminal background as no other case is pending against him. He is not a previous convict; is a poor person and has a large family to support. Learned counsel also submits that the maximum sentence has been awarded to the petitioner by the trial Court and hence, keeping in view the custody and also the fact that he is facing the agony of trial for a considerable long time, a lenient view may be taken. Learned counsel also submits that the petitioner is ready to compensate the victim in monetary terms.

Learned counsel for the respondent-State has not disputed the custody period and other submissions made by learned counsel for the petitioner.

Heard the arguments of learned counsel for the parties and have also perused the case file and other documents available on the file.

The judgment of conviction and order of sentence passed by the trial Court and also the dismissal of appeal are not disputed.

Undisputedly, the petitioner is facing the agony of trial since lodging of FIR i.e 19.02.2011 and as on today, he has also undergone actual custody of more than seven months against the total sentence of two years. No other case is pending against the petitioner; he is a poor person and has a large family to support and as such, by considering the submissions made by learned counsel for the petitioner that he is ready to compensate the victim in monetary terms, the request of learned counsel for the petitioner is accepted. The conviction is upheld and the sentence of the petitioner is reduced to the period already undergone by him.

The petitioner is also directed to deposit an amount of ₹ 50,000/- by way of draft in favour of the complainant, before the Illaqa Magistrate/Duty Magistrate, Narwana within a period of one month from the date of receipt of certified copy of this Order, which shall further be paid to the victim.

However, in case, the petitioner fails to deposit the said amount within the stipulated period, he shall have to undergo the remaining part of his sentence.

Accordingly, the present petition is disposed of with the said modification in sentence.

28.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE