

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

Crl. Revision No. 4558 of 2015 (O&M)

Date of Decision: 21.01.2016

Sandeep

.. Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Ms. Monisha Lamba, Advocate
for the petitioner.**

Ms. Vibha Dhiman, AAG Haryana.

ANITA CHAUDHRY, J.

The petitioner was tried by the learned Judicial Magistrate Ist Class, Faridabad, under Sections 354 and 451, Police Station Sarai Khawaja, Faridabad on the allegations that on 15/16.07.2011 he trespassed in the house of complainant and tried to outrage the modesty of his daughter.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, convicted the accused under Sections 354 and 451 IPC and substantively sentenced him to undergo simple imprisonment of one year and to pay a fine of Rs.500/- under each head. In default of fine, simple imprisonment for

one month was awarded under the default clause. Both the sentences were ordered to run concurrently.

The appeal preferred by the accused was dismissed on 24.09.2015. Hence, this revision petition.

On 28.11.2015 when this revision petition came up for hearing, learned counsel had restricted his prayer only to the quantum of sentence. Limited notice was issued.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the occurrence is of the year 2011 and the petitioner has undergone the agony of a protracted trial and thereafter his appeal remained pending and all this exercise took about four years. She submits that the petitioner is a first offender and is in custody for the last about four months and the only bread earner of his family and has aged parents to look after and pray for a lenient view.

On the other hand, learned State counsel had opposed the prayer.

Since the findings recorded by the two Courts below have not been contested, conviction of the petitioner is maintained. Considering the fact that the petitioner is the first offender and during this period he has not indulged in any similar offender and that the fact that he has undergone

about four months of custody, this Court is of the considered view that ends of justice would met if his sentence is reduced to the period already undergone by him under Sections 451 and 354 IPC. Ordered accordingly. There would be no modification with regard to the fine. It is not apparent from the record whether petitioner has deposited the fine or not. In case the petitioner has deposited the fine, he be released forthwith in this case, if not required in any other case.

With the above modification, the instant revision petition stands disposed of.

January 21, 2016
Jiten

(ANITA CHAUDHRY)
JUDGE