

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

**CRR No.4669 of 2015 (o&M)**  
**Date of Decision: 07.04.2016**

**Kaka Singh**

...Petitioner(s)

**Versus**

**State of Punjab**

...Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. A.K. Walia, Advocate  
for the petitioner.

Mr. K.S. Aulakh, A.A.G. Punjab,  
counsel for the respondent-State.

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**ANITA CHAUDHRY, J.**

**CRM-39385-2015**

For the reasons set out in the application, same is allowed as prayed for and delay of 30 days in filing the present revision is condoned.

**CRR No.4669 of 2015**

1. The revisionist Kaka Singh has challenged his conviction under Sections 323/354/452 IPC in FIR No.67 lodged on 10.06.2012 at Police Station Dirba, Sangrur. The Judicial Magistrate Ist Class, Sunam, vide order dated 17.12.2014 convicted the petitioner and sentenced him to undergo the

following punishment:-

| Under Section | Rigorous imprisonment | Fine   | In default of payment of fine further imprisonment |
|---------------|-----------------------|--------|----------------------------------------------------|
| 323 IPC       | 1 year                | 500/-  | 1 month                                            |
| 354 IPC       | 2 years               | 1500/- | 1 month                                            |
| 452 IPC       | 2 years               | 1500/- | 1 month                                            |

2. The convict preferred an appeal which was dismissed by the Addl. Sessions Judge, Sangrur vide order dated 22.07.2015. Aggrieved with the same, present revision has been filed.

3. While advancing arguments, learned counsel for the petitioner has confined his prayer on the limited question of sentence.

4. I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Punjab.

5. The counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last more than three years as the incident is of June, 2012 and the petitioner had remained in custody for over seven and half months out of two years. Learned counsel for the petitioner further contends that during this period no similar incident had taken place and the sentence be reduced to the period already undergone.

6. The unfortunate occurrence took place on 10.06.2012. The petitioner was convicted by the trial Court vide judgment dated 17.12.2014. His appeal was also dismissed by the Sessions

Court on 22.07.2015. The petitioner has remained in custody for over seven months. He has faced a protracted trial for about three and a half. The petitioner is not a previous convict nor he was involved in any other case. Keeping the entire conspectus into view, I feel that ends of justice would be met if the sentence awarded to the petitioner is reduced to the period already undergone. There would be no modification in fine, which has already been deposited. Petitioner be released forthwith in this case, if not required in any other case.

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

**(ANITA CHAUDHRY)**  
**JUDGE**

07.04.2016

*'Sunil'*