

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 4844 of 2015 (O&M)

Date of decision : 11.04.2016

Boli and another

... Petitioners

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Satnam Singh Gill, Advocate for the petitioners

Mr. K.S. Aulakh, AAG Punjab

ANITA CHAUDHRY, J.(ORAL)

The petitioners were convicted alongwith Rodi by the Sub Divisional Judicial Magistrate, Dhuri on 20.05.2015 and were sentenced as under:-

Sr. No.	Name of the accused	Under Section	Sentence
1.	Karamjit Singh	354/34 IPC	To undergo R.I. for one year and also to pay fine of Rs. 1000/-. In default thereof, he will further undergo R.I. for one month.
		341/34 IPC	To pay fine to the tune of Rs. 200/-. In default thereof, he will further undergo R.I. for 15 days.
		323/34 IPC	To undergo R.I. for six months and to pay fine of Rs. 500/-. In default thereof, he will further undergo R.I. for one month.
2.	Boli	354/34 IPC	To undergo R.I. for one year and also to pay fine of Rs. 1000/-. In default thereof, he will further undergo R.I. for one month.
		341/34 IPC	To pay fine to the tune of Rs. 200/-. In default thereof, he will further undergo R.I. for 15 days.
		323/34 IPC	To undergo R.I. for six months and to pay fine of Rs. 500/-. In default thereof, he will further undergo R.I. for one month.

Rodi was convicted under Section 323/341 IPC but was released on probation on furnishing bonds in the sum of Rs. 10,000/-. Rs. 7000/- as cost of proceedings was also imposed.

Aggrieved by the judgment both the appellants preferred an appeal before the Sessions Court. The appeal was dismissed on 08.12.2015.

Custody certificates dated 16.03.2016 have been placed on record.

Learned counsel for the revisionist restricts his prayer only to the quantum of sentence. He urges that Boli is in custody for the last 4 months whereas Karamjit had already undergone 6 months and 4 days of custody and the sentence be reduced to already undergone considering the fact that there was previous litigation between the parties. He has also pointed out that the Appellate Court had wrongly noted that Rodi had been acquitted and infact she had been released on probation.

Learned State counsel submits that the petitioners are accused of tearing the clothes of the prosecutrix and they removed her salwar and her modesty had been outraged and injuries were also given with a baseball and the injuries are noted by the trial Court.

The prosecutrix had received 6 injuries which are noted by the trial Court in para 10 of the judgment. Since the counsel restricts the prayer only to the quantum of sentence, therefore, the judgment of conviction is maintained even otherwise the prosecution had established the charges.

The incident relates to the year 2006, Karamjit is in custody for the last 6 months and 21 days whereas Boli is in custody for the last about 4 months. I am of the view that interest of justice would be met if the sentence is reduced to 7 months. There would be no modification in the fine.

The revision petition is partly accepted. Order of the trial Court is modified.

April 11, 2016

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**(ANITA CHAUDHRY)
JUDGE**