

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 4978 of 2015 (O&M)
Date of decision: 29.11.2016

Onkar Singh

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: - Mr. Abhinav Jain, Advocate, for the petitioner.

Mr. APS Gill, AAG, Punjab.

RITU BAHRI, J. (ORAL)

Petitioner has come up in revision against the order dated 25.09.2015 passed by Sh. H.S. Grewal, Additional Sessions Judge, Ferozepur whereby his conviction has not been stayed.

Petitioner is the maternal uncle of the husband of complainant's daughter and is working as ASI at Commando Training Center, Bahadurgarh, District Patiala. In pursuant to the aforesaid conviction, he has been dismissed from the services on 09.08.2016. Learned counsel for the petitioner states that he has filed an appeal against this order, which is pending before the appropriate authority.

Onkar Singh, petitioner along with co-accused Harjinder Singh, Surat Singh, Vidya Devi and Sonu @ Soni has been convicted under sections 498A, 406 IPC vide judgment dated 09.09.2015 passed by the Chief Judicial Magistrate, Ferozepur and sentenced as under:-

Offence u/s	RI	Fine	In default
498-A IPC	1-1/2 years	5000/-	15 days
406 IPC	1 one	--	--

Learned counsel for the petitioner prays that during the pendency of appeal his conviction may be stayed as he is not direct relative of the daughter of complainant.

Reference has been made to a judgment passed by the Hon'ble Supreme Court 'Navjot Singh Sidhu vs. State of Punjab, 2007(1) R.C.R. (Criminal) 836 : 2007(1) R.A.J. 310: 2007(1) MLJ (Crl.) 623", where conviction of the Court has been stayed to enable him to participate in the elections.

Further reference can be made to a judgment passed by the Madras High Court in 'Masi Vs. State by Inspector of Police, 2011(1) R.C.R. (Criminal) 576", wherein it has been held that the Court can exercise its power under Section 389 Cr. P.C. And suspend the conviction of accused. In that case the accused was a government servant and was convicted under Section 498-A IPC. He was sentenced to undergo Rigorous imprisonment for 3 years. His application for suspension of conviction was not entertained by the Appellate Court. Ultimately his petition was allowed and the order of conviction was suspended till the pendency of his appeal.

In view of above discussion and law laid down by the Hon'ble Apex Court in Navjot Singh's case (supra), the present petition is allowed and the order of conviction dated 09.09.2015 passed by the trial Court is suspended/stayed till the pendency of appeal before the Appellate Authority.

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(RITU BAHRI)
JUDGE

Whether Speaking/Reasoned	:	Yes/No.
Whether Reportable	:	Yes/No.