

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 51 of 2015

Date of decision : 14.01.2016

Ranjit Singh & anr.

....Petitioners

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sumeet Puri, Advocate for the petitioners.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioners had been convicted by the Judicial Magistrate Ist Class, Sunam under sections 294 & 506 IPC and was sentenced to undergo imprisonment as under:-

Offence	Sentence
294 IPC	To undergo R.I. for three months.
279 IPC	To undergo R.I. for a period of one year and to pay fine of ₹500/- and in default thereof to further undergo R.I. for one month.

The petitioner preferred appeal before Additional Sessions Judge, Sangrur against the judgment of his conviction/sentence. Vide judgment dated 29.11.2014, same was modified and sentence was reduced from one year to ten months. Except with this modification in the quantum of sentence, the appeal was dismissed. Feeling aggrieved against the judgments of both the courts below, petitioners have approached this court through the instant Criminal Revision.

Learned counsel for the petitioners at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioners is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 07.02.2013 at about 8.30 A.M., when complainant Manjit Kaur was going to school by foot at that time accused (petitioners herein) were standing near Krishan Bania shop. On seeing the complainant, accused abused her and sang obscene songs. She, however, narrated the entire episode to her parents. On this statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under sections 294/354/506/34 IPC charge was framed against the accused/petitioners, to which they pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as four witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to them. They refuted the incriminating

circumstances and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of the evidence on record, learned trial court held the petitioners guilty of the charges under sections 294 & 506 IPC and sentenced them as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Sangrur except in the modification of sentence as already indicated above.

On perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioners guilty of the charge framed against them. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioners is, thus, affirmed.

Even counsel for the petitioners, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioners are first offender and poor persons. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavits of Baljit Singh, Officiating Superintendent, District Jail, Sangrur according to which petitioners had undergone actual custody of two months approximately.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioners shall be

reduced to the period already undergone by them. But the petitioners are burdened with a fine of ₹15,000/- each to be paid as compensation to the complainant. Ordered accordingly.

The amount of fine if not already paid shall be deposited within three months from the date of receipt of certified copy of this order. However, in case aforesaid fine is not deposited within the stipulated period, the modification in quantum of sentence shall stand withdrawn and the petitioner shall undergo the remaining period of sentence as awarded by the trial court. Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

January 14, 2016

Ajay

(RAJAN GUPTA)
JUDGE