

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

Crl. Revision No. 3990 of 2016 (O&M)
Date of decision: 23.11.2016

Jassa Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jagraj Singh Khiva, Advocate,
for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The petitioner Jassa Singh had been convicted by the Judicial Magistrate 1st Class, Budhlada, District Mansa, in FIR No. 73 dated 6.7.2014 under Sections 509 and sentenced to undergo simple imprisonment for a period of Six months. The petitioner herein preferred an appeal against the judgment of his conviction, which was dismissed by learned Additional Sessions Judge Mansa by his judgment dated 13.10.2016.

Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant revision petition.

Learned counsel for the petitioner 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 further 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 counsel for the State, while filing the custody certificate, submits that in case conviction of the petitioner 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 parties and gone through the record.

Briefly, the prosecution case runs thus:

A FIR came to be registered on a complaint made Seema Rani alleging that on 6.7.2014 around 6.30 am she and her mother were going to fetch milk and when they reached outside the house of accused Jassa Singh, he shouted at them and harassed them. The motive behind the incident is that on 1.7.2014 the accused had also teased the complainant and on the intervention of the village respectable a compromise had been arrived at. After investigation, a police report under sections 173 (2) Cr.P.C. was presented before the Judicial Magistrate for offences under Section 354 and 509 IPC.

Prosecution in order to prove its case examined Complainant PW1, Baljit Kaur as PW2, HC Sharanjit as PW3, ASI Gurmeet Kaur as PW4 and ASI Hardev Singh as PW5. In defence, accused examined C. Harpal Singh as DW1 And HC Makhan Singh as DW2. On the basis of the evidence on record, learned trial court held the petitioner guilty of offence under Section 509 IPC, while exonerating him of offence under Section 354

IPC. In appeal the conviction was maintained but the accused was asked to pay a sum of Rs.10,000/- as compensation to Seema Rani complainant.

On a perusal of the judgment 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 petitioner guilty of the charge framed against him. 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 petitioner is, thus, affirmed.

Even counsel for the petitioner, 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 petitioner has already undergone almost 3 months of his sentence out of a period of six months. He has stated that he is conscious of the fact that the scope in revision is very limited as evidence of the witnesses cannot be reappreciated and re-evaluated.

Learned State counsel submits that the petitioner has undergone almost 3 months of custody till date.

This Court in the case of **Sohan Lal v. State of Punjab 1979 CLJ (Criminal) 113**, wherein the accused was first time offender and had undergone the sentence of 3-1/2 months, reduced his sentence to the period already undergone by him. Similarly, in the case of **Balwinder Singh v. State of Punjab CRR No.2574 of 2012 decided on 31.10.2012**, this Court has reduced the sentence of the accused therein under Sections 323, 325 and 326 IPC.

Keeping in view the facts and circumstances of the case, where

the petitioner has undergone almost half of his sentence, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. However, the fine imposed by the appellate court shall remain intact. Except with the modification in the quantum of sentence, as indicated herein above, the appeal stands dismissed.

23.11.2016
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No