

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 439 of 2016 (O&M)

Date of Decision: 08.7.2016

Sikander

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the digest?

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

1. Revisionist, Sikander has challenged his conviction under Sections 354 IPC in FIR No. 75 lodged on 26.09.2009 at Police Station Division No. 4, Ludhiana. The Judicial Magistrate Ist Class, Ludhiana convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period two years along with fine for commission of offence punishable under Section 354 IPC.

2. The convict preferred an appeal which was dismissed by the Additional Sessions Judge, Ludhiana vide order dated 05.01.2016. The petitioner was taken into custody.

3. Learned counsel for the petitioner has restricted his prayer only to the quantum 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 seven

years as the incident is of September, 2009 and the petitioner had remained in custody for over 6 months. 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 State counsel has opposed the petition.

7. The occurrence took place on 23.09.2009. The petitioner was convicted by the trial Court vide judgment dated 7.9.2015. His appeal was also dismissed by the Sessions Court on 5.1.2016 and he was taken into custody. The petitioner has remained in custody for almost six months. He has faced protracted trial for about seven years. The petitioner is not a previous convict. 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 by him. There would be no modification with regard to the fine. In case the petitioner has deposited the fine, he be released forthwith in this case, if not required in any other case. A copy of this judgment be sent to the Courts below.

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

(ANITA CHAUDHRY)
JUDGE

July 08, 2016
Gurpreet