

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Rev. No.549 of 2016 (O&M)

Date of Decision: 16.03.2016

Ramesh

....Petitioner

Versus

The State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Sukhdeep Parmar, Advocate
for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J.

Petitioner-Ramesh faced trial in case FIR No.324 dated 13.06.2013 registered under Sections 354, 354-A, 452 and 506 of Indian Penal Code at Police Station Model Town, Panipat. He was convicted for the said offences vide judgment dated 02.06.2015 passed by Judicial Magistrate Ist Class, Panipat and was sentenced to undergo rigorous imprisonment for a period of one year each along with payment of fine of ₹ 200/- with default clause for commission of offences punishable under Sections 354, 354-A and 452 IPC. He was further sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹ 100/- with default clause for commission of offence under

Section 506 IPC.

The said judgment of conviction and order of sentence passed by the trial Court was challenged by way of filing Criminal Appeal before the Additional Sessions Judge, Panipat but the same was dismissed and the judgment of conviction and order of sentence passed by the trial Court was upheld.

The petitioner, after loosing his battle before the two Courts below, has filed the present revision petition by raising various grounds but when the Court is not inclined to interfere with the judgment of conviction and order of sentence passed by the trial Court as well as by the lower Appellate Court, learned counsel for the petitioner submits that a lenient view be taken by reducing the sentence of the petitioner to the period already undergone as he is facing the agony of trial since lodging of the FIR i.e 13.06.2013; he is a poor person and is having a large family to support including his old parents, he is the sole bread winner of his family and is also a first offender as he has not committed any offence other than the present one. He further submits that the petitioner has undergone actual custody of more than 3½ months against the total maximum sentence of one year.

Learned counsel for the petitioner has also relied upon the judgments of this Court in cases ***Umeshwari vs State of Punjab 2014(13) RCR (Criminal) 142*** as well as ***Pappu vs State of U.T., Chandigarh 2004 (4) RCR (Criminal) 241***, wherein, the accused was convicted under Section 354 IPC but the sentence of the accused-petitioner therein was reduced on the ground that the accused has faced the agony of trial for a longer period.

Learned counsel for the respondent-State has not disputed the custody period as well as the fact that no other case is pending against the

petitioner. He further submits that in case, the sentence of the petitioner is reduced to the period already undergone, then the victim may be compensated with reasonable amount.

Heard the arguments of learned counsel for the parties and have also perused the record of the case.

By considering the submissions made by learned counsel for the petitioner that a lenient view may be taken keeping in view the age, conduct, financial status as well as the fact that the petitioner has already undergone actual custody of more than 3½ months against the total sentence of one year; he is not a habitual offender and no other case is pending against him, the request is accepted and the sentence of the petitioner is reduced to the period already undergone but the conviction is upheld.

The petitioner is also directed to deposit an amount of ₹ 20,000/- as compensation to the victim before the trial Court within a period of one month from the date of receipt of certified copy of this order.

However, in case, the said amount is deposited before the trial Court within the stipulated period, the petitioner be released forthwith and in case, he fails to deposit the said amount, he shall have to undergo the remaining part of his sentence.

Accordingly, the revision petition is disposed of with the said modification in sentence.

16.03.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE