

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

Crl. Revision No. 622 of 2016 (O&M)

Date of Decision: 02.06.2016

Saleem Khan

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. K.S. Brar, Advocate
for the petitioner.**

Mr. Deep Singh, AAG Punjab.

ANITA CHAUDHRY, J.

The petitioner was tried by the learned Judicial Magistrate Ist Class, Phul, under Sections 354, 452 and 506 IPC, Police Station Balianwali, on the allegations that on 07.12.2013 at about 9:00 a.m. he trespassed in the house of complainant and tried to outrage her modesty.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, convicted the accused under Sections 354, 452 and 506 IPC and substantively sentenced him to undergo rigorous imprisonment of two years, one year and six months respectively. He was directed to pay a fine of Rs.500/- under each head, in default whereof he was to undergo

further simple imprisonment for one month, fifteen days and seven days respectively. All the sentences were ordered to run concurrently.

The appeal preferred by the accused was dismissed on 01.02.2016. His conviction was maintained. However, his sentence awarded under Section 452 IPC was modified and reduced to one year. Hence, this revision petition.

On 31.05.2016 when this revision petition came up for hearing, learned counsel had restricted his prayer only to the quantum of sentence. Limited notice was issued.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the occurrence is of the year 2013 and the petitioner is a first offender. He further submits that the petitioner is in custody for the last more than four months and the only bread earner of his family and pray for a lenient view.

On the other hand, learned State counsel had opposed the prayer.

Since the findings recorded by the two Courts below have not been contested, conviction of the petitioner is maintained. Considering the fact that the petitioner is the

first offender and during this period he has not indulged in any similar offence and the fact that he has undergone more than four months of custody, this Court is of the considered view that ends of justice would met if his sentence is reduced to the period already undergone by him under Sections 354, 452 and 506 IPC. Ordered accordingly. 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.

With the above modification, the instant revision petition stands disposed of.

June 02, 2016
Jiten

(ANITA CHAUDHRY)
JUDGE