

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No. 470 of 2007 O&M)
Date of decision: 5.7.2017

Parma

.. Petitioner

v.

Smt. Phoolwati and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: None for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

...

Rajesh Bindal J.

In a private complaint filed by respondent No. 1, the petitioner was convicted under Sections 354/452/506 IPC and was sentenced as under:

1. Under Section 452 IPC: To undergo rigorous imprisonment for a period of six months along with fine of ₹ 200/-.
2. Under Section 354 IPC: To undergo rigorous imprisonment for a period of six months along with fine of ₹ 200/-.
3. Under Section 506 IPC: To undergo rigorous imprisonment for a period of six months along with fine of ₹ 200/-.

In case of default of fine, the petitioner was sentenced to undergo rigorous imprisonment for a period of 15 days under each Section.

All the substantive sentences awarded were ordered to be run concurrently.

In appeal before the lower appellate court, the judgment of the trial court

was upheld.

The incident, as is evident from the judgments of the courts below, had taken place on 10.5.1998. Though in the preliminary evidence, one independent witness was examined, however, after the petitioner was summoned, he was not examined. Only the complainant and her husband, who admittedly was not present when the alleged incident took place, appeared as witnesses. As per the custody certificate produced by learned counsel for the State, out of imprisonment for a period of six months awarded to the petitioner, he has already undergone actual imprisonment of three months and one day. The incident had taken place about two decades ago. The petitioner faced protracted trial and remained in litigation for all this period. Learned counsel for the State did not point out that the petitioner was involved in any other case during this period.

Considering the aforesaid factual matrix, in my opinion, while upholding the conviction of the petitioner, the sentence awarded to him deserves to be reduced to the period already undergone. Ordered accordingly.

The revision petition stands disposed of, accordingly.

(Rajesh Bindal)
Judge

5.7.2017
mk

