

In the High Court of Punjab and Haryana at Chandigarh

CRR No.3105 of 2010 (O&M)
Date of Decision:-August 11, 2017

Jagpreet Sehgal

.....Petitioner

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Mr. Harpreet Singh Gharuan, Advocate,
for the petitioner.

Ms. Ruchika Sabharawal, Addl.A.G. Punjab.

Gurvinder Singh Gill J. (Oral)

1. Jagpreet Sehgal has filed this revision petition challenging judgment dated 16.11.2010, passed by learned Additional Sessions Judge, S.A.S.Nagar (Mohali), vide which his conviction as recorded by learned Sub Divisional Judicial Magistrate, SAS Nagar (Mohali) under section 506 of IPC and sentence of rigorous imprisonment for six months with fine of ₹ 500/- has been upheld.
2. The prosecution story, in nut-shell, is that complainant Anuradha Babbar lodged a complaint with S.S.P. Ropar, alleging therein that the accused had been harassing her and with the intervention of respectables, the matter had been settled and the accused had assured that he would not cause any harassment in future. However, after about two months when the complainant

was to be matrimonially engaged, the petitioner came to her office on 4.12.2003 in the evening and when the complainant was leaving her office and inserted keys in her scooter, the accused took out the keys and pressurised her to listen to him and also threatened that he would get her pornographic photographs prepared. The petitioner threatened her that she should marry him failing which he would spoil her reputation. The complainant, on being enraged, slapped him and the accused in return gave two slaps to her and caused harassment for about 20-25 minutes and also damaged the mirror of her scooter.

3. The matter was investigated by the police. Upon conclusion of investigation, a challan was presented against the accused in the Court of SDJM, SAS Nagar, Mohali. The Trial Court framed charges in respect of the offences under Sections 354, 356, 323, 427 and 506 IPC to which the accused pleaded not guilty and claimed trial.
4. The Trial Court, upon appreciation of the evidence led by the prosecution held that the prosecution has been able to prove the charges in respect of offences under Section 354 IPC and 506 IPC and sentenced him to undergo rigorous imprisonment for one year and also to pay a fine amounting to ₹ 500/- in respect of each of the two offences.
5. The accused challenged the aforesaid judgment dated 3.9.2009 by way of filing an appeal in the Court of Additional Sessions Judge, SAS Nagar(Mohali) wherein the learned Additional Sessions Judge, vide judgment dated 16.11.2010, while acquitting the accused in respect of offence under section 354 of IPC upheld his conviction under section of 506 IPC. The sentence of

rigorous imprisonment of one year as imposed by the Trial Court was also reduced to six months.

6. The accused being aggrieved by the aforesaid judgment has filed the present revision petition.
7. At the outset, the learned counsel for the petitioner submitted that he has already undergone about four months of sentence and that he restricts his submissions to the quantum of sentence only.
8. I have heard learned counsel for the petitioner and also learned counsel representing the State.
9. Upon perusal of the impugned judgment, I do not find any infirmity in the same as regards the findings pertaining to conviction of petitioner for offence u/s 506 of IPC. The learned counsel representing the State has today placed on record the custody certificate in respect of the accused indicating that accused has undergone four months of sentence including 3 months and 18 days of actual imprisonment.
10. Bearing in mind the fact that the occurrence in question took place about 14 years back and there is nothing on record to show that the accused is a previous convict, in my opinion it is a fit case for reduction of sentence.
11. The sentence of imprisonment of six months, as imposed by the lower Court is reduced to the one already undergone. The petitioner, is however burdened to pay compensation to the tune of Rs.10,000/- to the victim to be deposited in the Trial Court within a period of three months from today. The learned counsel for the petitioner has stated that though the latest address of the victim is not

known but he knows the address of parents of victim. The petitioner is directed to furnish the latest correct address of the parents of the victim at the time of deposit of compensation, and the trial Court shall accordingly send intimation of deposit to the victim's parents. Either of the parent shall be at liberty to withdraw the amount on behalf of the victim.

12. The revision petition stands dismissed with the aforesaid modification in sentence.

August 11, 2017
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No