

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

**CRR No.1378 of 2014 (O&M)
Date of Decision: March 21, 2017**

Manjeet @ Mashkari

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gopal Sharma, Advocate
for the petitioner.

Mr.Parveen Aggarwal, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Manjeet @ Mashkari against respondent State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 03.02.2014 passed by learned Judicial Magistrate Ist Class, Bahadurgarh, vide which the petitioner was convicted and sentenced to undergo simple imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of one month under Section 451 IPC and to further undergo simple imprisonment for a period of one year and to pay fine of ₹1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of one month

under Section 506 IPC and also challenging the judgment dated 04.03.2014 passed by learned Sessions Judge, Jhajjar, vide which appeal filed by petitioner was dismissed with modification in the sentence and sentence imposed upon the petition under Section 451 IPC was reduced to one year instead of two years. Both the sentences were ordered to run concurrently.

From the record, I find that the challan was presented against petitioner in case FIR No.217 dated 11.06.2011. The brief facts of the case as noted down in the judgment passed by learned JMIC, Bahadurgarh, are as under:-

“2. The brief of the case are that on 11.6.2011, HC Jai Karan alongwith HC Raj Kumar was present for patrolling at Bus-stand of village Dulhera, where complainant Sneh Lata w/o Mukesh, r/o Goyalán Kalá, alongwith her sister-in-law Suresh Devi, presented a complaint to the effect that she is the resident of Goyalán Kalán. On the night on 10.6.2011, she along with her sister-in-law Suresh Devi and her children was sleeping at their house. At about 1.00 AM at night Mashkari s/o Babli r/o Goyalán Kalán entered into their house with the intention to commit any offence. When they screamed, he started running. When they tried to apprehend him, his mobile phone fell there. While escaping Mashkari, issued threat of life to her. On this statement an action was requested on which the present case u/s 451, 506 of IPC was registered. Investigation was carried by HC Jai Karan and during the investigation one mobile phone of spice was recovered. During the investigation, accused Mashkari s/o Babli, resident of Goyalán Kalán was arrested on 12.1.2011.”

Learned JMIC, Bahadurgarh, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Sessions Judge, Jhajjar, with the modification in the sentence as stated above.

Aggrieved from the above-said judgments, present revision petition has been filed by the petitioner.

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings given by learned Courts below, regarding conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioner argued that petitioner is sole bread earner of the family and is suffering from the criminal proceedings since 2011 and has already undergone actual sentence of 5 months and 27 days.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 03.02.2014 passed by learned JMIC, Bahadurgarh, is correct, as per law and does not require any interference from this Court.

However, keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be sole bread earner of the family and is facing long protracted criminal proceedings since 2011 i.e. for the last about 6 years and also in view of the fact that petitioner has already undergone actual sentence of 5 months and 27 days, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and in default thereof, shall remain the same. The petitioner is directed to pay the fine within one month from the date of receiving the certified copy of the order, if already not paid, otherwise, the trial Court is directed to take necessary action as per law.

Therefore, the present revision petition stands partly allowed.

Since, petitioner Manjeet @ Mashkari is on bail, his bail/surety bonds stand discharged.

March 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No