

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.4534 of 2015 (O&M)
Date of decision: 28.03.2017

Mohan Lal and another
.....Petitioners
Versus
State of Haryana and another
.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vishal Nehra, Advocate,
for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Paramjit Singh Sullar, Advocate,
for the complainant.

Ritu Bahri, J.

This petition has been filed against the judgment dated 09.11.2015 passed by the Additional Sessions Judge, Ambala, dismissing the appeal filed by accused-petitioners, Mohan Lal & Rajinder Singh, against the judgment of conviction dated 11.09.2013 and order of sentence dated 12.09.2013 passed by the Judicial Magistrate Ist Class, Ambala, whereby they have been sentenced as under:-

Offence	Sentence
U/S 354 IPC	To undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-.
U/S 506 IPC	To undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-.

Apart from above sentence, they were also directed to pay
Rs.10,000/- towards compensation to complainant-Balbir Kaur on account

of mental harassment caused to her.

FIR No.1 dated 01.01.2007, under Sections 354/506 IPC was registered at Police Station, Shahzadpur on the basis of statement made by Balbir Kaur-complainant to the effect that on 01.01.2007, she was returning back to her house on foot after seeing off her relative at Bus Stand, Shahzadpur. When she reached near Target Printing Press, two boys (aged about 24/25 years) came from behind and started misbehaving with her. One of them put his hand on her mouth. On her resistance, they manhandled with bad intention and threatened to kill her. She raised an alarm, which attracted Davender Kumar, owner of Target Printing Press and Sikandar Lal, who reached at the spot and saved her from the clutches of the accused-petitioners. One of the accused namely Mohan Lal was apprehended at the spot. In this background, the FIR was registered. On completion of investigation, challan was prepared and presented in the Court.

Copies of challan and other documents were supplied to the accused-petitioners free of costs, as envisaged under Section 207 Cr.P.C. Thereafter, finding a prima facie case, charges under Sections 354 and 506 IPC were framed against the accused-petitioners, to which, he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined Balbir Kaur-complainant (PW-1), ASI Dayanand (PW-2), Kuldeep Singh (PW-3), Sikander Lal, eye witness (PW-4) and SI Mahender Singh (PW-5). On conclusion of the prosecution evidence, statements of the accused-petitioners under Section 313 Cr. P.C. were recorded, wherein entire incriminating evidence was put to them. However, they denied the same and pleaded innocence. No evidence was led in defence.

Trial Court, after going through the evidence led by the prosecution, convicted and sentence the accused-petitioners in the aforesaid terms. Appeal against the said judgment was dismissed by the Additional Sessions Judge, Ambala, vide his judgment dated 09.11.2015. Hence, this petition.

Learned counsel for the petitioners, at the outset, does not challenge the conviction on merits and restricts his prayer to quantum of sentence.

In this view of the matter, the present petition is dismissed. However, a lenient view can be taken on the quantum of sentence. In this case, the FIR was registered on 01.01.2007. The petitioners have been facing the agony of a protracted criminal trial for the last more than 10 years. Moreover, they are not previous convicts. Learned counsel for the complainant has placed on record copy of compromise deed dated 18.07.2016, according to which, the matter has been amicably resolved between the parties with the intervention of respectable persons of the locality. The complainant has no objection if the petitioners are acquitted or their sentence is reduced to the period already undergone. In these circumstances, the sentence of imprisonment awarded to the petitioners is reduced to the period already undergone.

With the above modification/direction, the present petition stands disposed of.

28.03.2017
ajp

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>