

In the High Court of Punjab and Haryana at Chandigarh

CRR- 4902 of 2016(O&M)
Date of Decision: 25.4.2017

Sat Pal

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Ravi Malik, Advocate
for Mr. Sanjeev Kr. Panwar, Advocate
for the petitioner

Mr. Amrik Narwal, DAG, Haryana

Rekha Mittal, J.

The petitioner assails his conviction and sentence for offence under Section 354 of the Indian Penal Code (in short “IPC”) by the trial court and affirmed in appeal by the Additional Sessions Judge, Yamuna Nagar at Jagadhri.

Counsel for the petitioner had given up challenge to the findings recorded by the courts below holding the petitioner guilty of offence punishable under Section 354 IPC. Notice of motion was issued limited to hear the parties on quantum of sentence. Even otherwise, I have gone through the findings recorded by the Courts below but do not find any patent error much less illegality warranting intervention in the judgments of conviction, in exercise of limited revisional jurisdiction.

Counsel for the petitioner has submitted that the petitioner

faced pangs of criminal trial for the past about 10 years as the FIR was registered in April 2007. It is further argued that no other criminal case was registered much less pending against him. It is prayed that substantive sentence awarded to the petitioner may be reduced to the period already undergone as he is in custody since 19.10.2016.

Counsel for the State of Haryana has not disputed factual assertions but opposed the prayer for reduction in sentence.

I have heard counsel for the parties and perused the paper book.

The criminal law was set in motion at the behest of the alleged victim, wife of Rakesh Kumar who recorded her statement before the police on 28.4.2007 on the basis whereof, FIR No. 53 dated 28.4.2007 under Sections 354, 506 IPC was registered against the petitioner. On presentation of challan, the trial culminated in the judgment of conviction passed by the Chief Judicial Magistrate, Yamuna Nagar at Jagadhri dated 3.9.2013. The appeal preferred by the petitioner did not find favour with the Additional Sessions Judge, Yamuna Nagar at Jagadhri. The petitioner faced rigmarole of criminal proceedings for the past 10 years. He is behind bars since 19.10.2016 when his appeal was decided by the first appellate court. Perusal of the custody certificate would make it evident that there is no other criminal case ever registered against him.

Keeping in view the fact that the petitioner has undergone trauma and pangs of criminal proceedings for the past 10 years coupled with period of custody already undergone, in my considered opinion, interests of justice would be served, if substantive sentence awarded to the petitioner is reduced to seven months and ordered accordingly.

For the foregoing reasons, the petition stands disposed of with

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modification in the aforesaid terms.

(Rekha Mittal)
Judge

25.4.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No