

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

CRR No.1254 of 2017 (O&M)

Date of decision: 07.04.2017

Devi Lal

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. D.K. Narula, Advocate for the petitioner(s).

Mr. Naveen Kaushik, Addl. A.G., Haryana

Jitendra Chauhan, J. (Oral)

By filing the present criminal revision, the petitioner has assailed the judgment dated 17.03.2017, vide which, learned Addl. Sessions Judge, Sirsa, though upheld the judgment of conviction dated 08.07.2015 passed by learned Judicial Magistrate First Class, Ellenabad, whereby the petitioner was held guilty for commission of offence punishable under Section 174-A IPC, however, reduced the sentence of imprisonment from one year to three months along with fine of Rs.200/-.

Custody certificate of the petitioner has been filed in Court, same is taken on record.

The learned counsel for the petitioner does not press the revision petition on its merits and submits that keeping in view the

petitioner being the sole bread winner of the family and has suffered the agony of a protracted trial since the year 2012; has already undergone actual sentence of 01 month and 07 days out of substantive sentence of 03 months and is not involved in any similar FIR, therefore, a lenient view on the quantum of sentence imposed by the Courts below be taken in the matter.

On the other hand, the learned State counsel opposes the prayer of the petitioner/accused and supports the judgment of conviction and order of sentence passed by learned Addl. Sessions Judge, Sirsa.

I have heard the arguments of the learned counsel for the parties and have carefully gone through the record of the case.

The prosecution case is fully proved from the statements of the prosecution witnesses duly corroborated with medical evidence. Once the petitioner has decided not to press on the basis of merits, the present revision petition is hereby dismissed. The Court will now examine the matter whether a lenient view in the matter of sentence could be taken.

As per the record, the petitioner has suffered agony of protracted trial as the FIR pertains to the year 2012. Petitioner has already undergone actual sentence of 01 month and 07 days out of substantive sentence of 03 months and not involved in any similar FIR. Therefore, in view of the above mitigating circumstances, the prayer made on behalf of the petitioner is accepted. The sentence awarded to the petitioner is ordered to be reduced to the period already undergone subject to payment of

₹5,000/- as cost of litigation, payable to the State, within three months from today. It is made clear that if the amount is not paid within the stipulated period, the present revision petition shall be deemed to be dismissed without any notice and the petitioner shall have to further undergo the remaining part of sentence.

Ordered accordingly.

07.04.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No