

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1676-2017 (O&M)

Date of Decision:- 24.05.2017

Munish

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Nuniwal, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Maharaj Kumar, Advocate
for respondent No.2.

RITU BAHRI, J. (Oral)

Present petition has been filed against the judgment of conviction and order of sentence dated 21.04.2017, passed by the Additional Sessions Judge, Karnal (hereinafter referred to as “the appellate Court), vide which the appeal filed by complainant-respondent No.1 has been accepted.

The appellate Court, vide judgment of conviction dated 21.04.2017, convicted the accused-petitioner under Section 354 IPC and sentenced him as under:--

Under Sections 354 IPC

Six months R.I. and to pay fine of ₹1,000/-
and in default of payment of fine, to further
undergo S.I. for one month.

Brief facts of the case are that on 23.01.2013 complainant-respondent No.2 was standing in her street near her house at about 4.00 PM and the petitioner/accused came from his house and allegedly scared her and tried to outrage her modesty while pulling her. Thereafter, the F.I.R was registered against the petitioner-accused.

The trial Court after going through the entire evidence led by the prosecution, came to conclusion that the prosecution failed to prove its case beyond reasonable doubt and therefore by extending benefit of doubt, the petitioner/accused was acquitted of the charges framed against him, vide judgment of acquittal dated 12.05.2016.

However, the appeal against the said judgment and order, filed by complainant/respondent No.2, was allowed by the Appellate Court and the judgment of acquittal was set aside and the petitioner was held guilty and convicted for the commission of an offence punishable under Section 354 IPC.

Learned counsel for the petitioner, during the course of arguments, does not challenge the conviction on merits and restricts his prayer to reduce the sentence of the petitioner to the period already undergone by him.

Learned counsel for the petitioner, however, further contends that the petitioner has already suffered the agony of protracted trial, spinning over a period of time. He is a first time offender. No other case is pending against him.

Moreover, learned counsel for the petitioner has handed over a demand draft of ₹30,000/- to learned counsel for respondent No.2 as compensation, today in the Court.

Having examined the impugned judgment, no illegality, much less irregularity has been found therein warranting interference by this Court and accordingly the same is upheld. However, a lenient view can be taken on the quantum of sentence of the petitioner.

Accordingly, keeping in view the submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioner. Hence, the conviction of the petitioner under Section 354 IPC is maintained and the sentence qua the imprisonment of the petitioner is reduced to the period already undergone by him and a direction is given that the petitioner be released to the satisfaction of CJM/Duty Magistrate, Karnal.

With the above modification, the present revision petition stand disposed of.

May 24, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No