

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

**CRR No.2017 of 2017 (O&M)
Date of decision : July 14, 2017**

Jaspreet Singh @ Babbu **Petitioner**

Versus

State of Punjab **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Puja Chopra, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

The present revision petition is directed against the judgment dated 15.05.2017 passed by learned Addl. Sessions Judge, Jalandhar, affirming the judgment of conviction and order of sentence dated 30.08.2016 passed by the learned Judicial Magistrate 1st Class, Jalandhar, whereby the present revisionist was convicted and sentenced as under:

<i>Sr. No.</i>	<i>Offence</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default of payment of fine</i>
1	353 IPC	R.I. for one year	Rs.500/-	15 days
2	186 IPC	R.I. for three months	Rs.500/-	15 days
3	506 IPC	R.I. for six months	Rs.500/-	15 days

All the sentences were directed to run concurrently.

I have heard learned counsel for the revisionist and have also carefully gone through the case file.

The allegations against the revisionist are that on 31.03.2012, there was a 'Shobha Yatra' on account of Ram Navmi at Patel Chowk, Jalandhar. The revisionist under the influence of liquor was going on his motorcycle. He was stopped by the police party from moving towards

'Shobha Yatra'. However, he scuffled with the police party and tore the uniform of complainant H.C. Pawan Kumar. He was apprehended at the spot.

Learned counsel for the revisionist has argued that the medical report has not been produced to show that the accused-revisionist was under the influence of the liquor. It was only on the police request that the doctor reported that the revisionist was under the influence of the liquor. In any case, there are no charge that the accused-revisionist was driving while drinking. The charges are of scuffling with the police party and tearing of the uniform of H.C. Pawan Kumar.

Learned counsel for the accused-revisionist further contends that uniform of H.C. Pawan Kumar was not produce in the evidence nor there is any injury on the person of the complainant.

I am of the view that the scuffling with Head Constable Pawan Kumar is sufficient to prove the charges under Section 353 IPC. The presence of injury is not must and the non-production of torn uniform is also immaterial in such circumstances. The facts and the circumstances of the case ruled out false implication. Thus, there is no illegality or infirmity in the findings recorded by both the courts below. Accordingly, the findings of conviction under Sections 353, 186 and 506 IPC are affirmed.

Faced with this situation, learned counsel for the accused-revisionist has prayed for leniency in the sentence, stating that the petitioner is a young boy of 26 years of age, he is unmarried and is the first offender. He is in custody for the last two months.

Considering circumstances and the fact that it is a case of scuffle and no injury was caused to any police official/officer, the sentence

of rigorous imprisonment of one year and sentence of rigorous imprisonment of six months awarded for the commission of offence punishable under Sections 353 and 506 IPC respectively is reduced to rigorous imprisonment for four months only. However, the remaining part of the sentence awarded under Sections 353, 506 and 186 IPC are maintained.

With the aforesaid modification, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

July 14, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No