

In the High Court of Punjab and Haryana at Chandigarh

**CRR No.3932 of 2017 (O&M)
Date of decision: 6.12.2017**

Jitender Saini

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.L.M.Gulati, Advocate for the petitioner.

 Mr.Pawan Garg, AAG Haryana.

KULDIP SINGH, J.(Oral)

The petitioner, who was working as Inspector in the office of Registrar, Cooperative Societies, Panchkula, Haryana is alleged to be sending vulgar and obscene SMSs on the mobile of female co-employee, who was also working as Inspector. Trial court convicted the petitioner under Sections 294 IPC and 506 IPC. The petitioner was sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.1000/- under Section 294 IPC and in default of payment of fine, he was further sentenced to undergo SI for 15 days. He was sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.1000/- under Section 506 IPC and in default of payment of fine, he was further sentenced to undergo SI for 15 days. Both the sentences were directed to run concurrently. In appeal, learned Additional Sessions Judge, Karnal vide judgment

dated 10.10.2017 acquitted the petitioner from the charge framed under Section 294 IPC whereas his conviction and sentence under Section 506 IPC was maintained.

The petition is pressed only on the point of quantum of sentence.

Custody certificate filed in the Court today, is taken on record. Custody certificate shows that the petitioner has undergone the actual sentence for a period of 2 months and 24 days. Three more FIRs are pending against him.

Learned counsel for the petitioner states that father of the victim was an Advocate by profession and the said FIRs are also between the same parties. It is further stated that on account of his conviction, the petitioner has already been dismissed from service. He has suffered a lot. He is facing trial since the year 2009, therefore, lenient view may be taken.

Considering that petitioner has lost his job and it is undertaken that the petitioner will not repeat the offence in future, the sentence of SI from six months under Section 506 IPC is reduced to the period already undergone i.e. 2 months and 24 days.

With the above noted modification, the revision petition is dismissed. The petitioner be released forthwith, if not required in any other case.

6.12.2017
Meenu

(KULDIP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No