

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRR-523-2017 (O&M)

Date of Decision:- 23.03.2017

Lakhwinder Singh @ Lakha

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Kanwaljeet Singh Derabassi, Advocate,  
for the petitioner.

Mr. APS Gill, AAG, Punjab.

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RITU BAHRI, J. (Oral)

Present petition has been filed against the judgment of conviction and order of sentence dated 16.11.2016, passed by the Additional Sessions Judge, Patiala, vide which the appeal against the judgment of conviction and order of sentence dated 08.07.2016, passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Rajpura (hereinafter referred to as "the trial Court") was dismissed.

The trial Court, vide judgment of conviction dated 08.07.2016, convicted the accused-petitioner under Sections 354, 354-A, 323 and 506 IPC and sentenced him as under:--

Under Sections 354 IPC

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

|                          |                                                                                                                     |
|--------------------------|---------------------------------------------------------------------------------------------------------------------|
| Under Sections 354-A IPC | One year R.I. and to pay fine of ₹1,000/- and in default of payment of fine, to further undergo S.I. for one month. |
| Under Sec. 323 IPC       | To undergo RI Six months.                                                                                           |
| Under Sec. 506 IPC       | To undergo RI Six months.                                                                                           |

Brief facts of the case are that on 20.02.2015, complainant went to the fields to answer the call of nature, when she reached to wheat crop field, accused-Lakhwinder Singh @ Lakha, who was in drunkard condition, asked her to listen him but she started moving towards her house but he caught hold her arm. She resisted, freed herself and came her house while running. Thereafter, her brother Gurpreet Singh, cousin Ranjit Singh, Member Panchayat and 2-3 other persons went to the house of accused Lakhwinder Singh @ Lakha for making complaint against him but accused and his father started quarreling with them and gave brick beating to brother of complainant and cousin. Thereafter, blood started oozing out from the head of his cousin, who was brought to Civil Hospital, Rajpura. Thereafter, 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 accused/petitioner is guilty of the aforesaid offences, as the prosecution has succeeded in proving on record its case beyond shadow of any doubt.

The learned Lower Appellate Court has affirmed the findings given by the trial Court. Hence, the present revision petition.

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.

Learned State counsel has filed the custody certificate of the petitioner, today in the Court, which is taken on record.

As per the custody certificate, the petitioner has undergone 5 months and 08 days including remission, out of total one year of conviction and he has not misused the concession of bail during the trial.

Having examined the impugned judgments, no illegality, much less irregularity has been found therein warranting interference by this Court. Accordingly, they are 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 Sections 354, 354-A, 323 and 506 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, Rajpura.

However, he is directed to deposit ₹25,000/- within the next two months i.e before 31.05.2017 before the trial Court, which shall be disbursed thereafter to the complainant.

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

March 23, 2017  
naresh.k

( RITU BAHRI )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |