

CRR- 550 of 2017(O&M)

-1-

In the High Court of Punjab and Haryana at Chandigarh

CRR- 550 of 2017(O&M)
Date of Decision:19.5.2017

Yogender @ Joginder

---Petitioner

vs.

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. G.C.Shahpuri, Advocate
for the petitioner

Mr. Pawan Garg, AAG, Haryana

Rekha Mittal, J.

The petitioner has filed the present petition to assail the consistent findings recorded by the Courts below whereby the petitioner has been convicted and sentenced for offence punishable under Sections 354 and 506 of the Indian Penal Code (in short "IPC").

Counsel for the petitioner, at the time of first hearing made a submission that he does not press the petition on merits but he may be heard on the quantum of sentence. This apart, I have gone through the consistent findings recorded by the courts below but do not find any patent error much less illegality in the findings, therefore, judgments passed by the courts with regard to conviction of the petitioner are liable to be affirmed and ordered accordingly.

This brings the court to the sentence imposed upon the

petitioner. The petitioner was sentenced to undergo rigorous imprisonment for a period of one year with fine under Section 354 IPC and six months with fine under Section 506 IPC with default stipulation by the trial court. Out of fine of Rs. 10,000/-, an amount of Rs. 8,000/- was ordered to be paid as compensation to the victim under Section 357(1) of the Code of Criminal Procedure.

Counsel for the petitioner has submitted that in view of the period since when the petitioner has faced rigmarole of criminal proceedings coupled with incarceration already undergone, substantive sentence awarded to the petitioner may be reduced to the period already undergone. To strengthen his prayer, it is urged that there is no other criminal case pending much less registered against the petitioner and he has already deposited the fine with the trial court.

Counsel representing the State of Haryana would state that there is no justification for reduction in sentence.

I have heard counsel for the parties, perused the paper book particularly the judgments passed by the courts below.

The allegations against the petitioner are that on the intervening night of 17/18.9.2012, complainant was sleeping in *varandah* of her house. Her husband was sleeping on a separate bed at some distance. Suddenly, a person entered her house and caught hold of her hands. He pulled her from the cot, gagged her mouth and forcibly took her inside the room. He firstly tried to strangle her and then outraged her modesty by pressing her breasts and moving his hands around it. She managed to get her mouth released from that person, called her husband who rushed for her rescue and

tried to apprehend that person but he managed to flee. Her husband disclosed particulars of the accused.

FIR was registered on 19.9.2012. The petitioner faced proceedings before the trial court for about four years. He is not a previous convict. Fine has already been paid.

In view of the above, I am of the considered opinion that ends of justice would be served if substantive sentence awarded to the petitioner under Section 354 IPC is reduced to rigorous imprisonment for a period of six months.

With the aforesaid modification, petition stands disposed of.

(Rekha Mittal)
Judge

19.5.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No