

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

**CRA-S-1503-SB of 2018**

**DATE OF DECISION :- July 05, 2018**

**Vijay @ Bablu**

**Versus**

**...Appellant**

**State of Haryana**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE H.S. MADAN**

**Present:-** Mr. Rahul Jaswal, Advocate for the appellant.

Mr. Gaurav Bansal, AAG, Haryana.

**\*\*\***

Accused Vijay @ Bablu faced trial by Additional Sessions Judge, Panipat on the allegation that on 25.2.2016 at about 9.41 P.M., when complainant Angrejo Devi and her daughter-in-law Saroj were cleaning utensils at the roof near the iron grill then their neighbour Vijay @ Bablu did obscene activities and gave abuses to them in the name of her mother and sister besides uttering caste related remarks. The accused was convicted for offences under Sections 294, 354-A, 509, 506 IPC and 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced as follows :-

| <b>Section</b> | <b>Sentence</b>                                  | <b>Fine</b> | <b>Sentence in default of payment</b>       |
|----------------|--------------------------------------------------|-------------|---------------------------------------------|
| 294 IPC        | Rigorous imprisonment for a period of two months | Rs.500/-    | Simple Imprisonment for a period of 15 days |

| Section                                                                                 | Sentence                                         | Fine      | Sentence in default of payment                    |
|-----------------------------------------------------------------------------------------|--------------------------------------------------|-----------|---------------------------------------------------|
| 354A IPC                                                                                | Rigorous imprisonment for a period of six months | Rs.1000/  | Simple Imprisonment for a period of one month     |
| 509 IPC                                                                                 | Rigorous imprisonment for a period of six months | Rs.1000/  | Simple Imprisonment for a period of one month     |
| 506 IPC                                                                                 | Rigorous imprisonment for a period of six months | Rs.1000/  | Simple Imprisonment for a period of one month     |
| 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 | Rigorous imprisonment for a period of one year   | Rs.5,000/ | Simple Imprisonment for a period of three months. |

All the substantive sentences were ordered to run concurrently.

He has preferred an appeal before this Court which has been admitted for hearing and recovery of fine was ordered to remain stayed during the pendency of the appeal vide order dated 16.4.2018.

I have heard learned counsel for the appellant and learned State counsel besides going through the record.

At the very outset, learned counsel for the appellant-accused has submitted that he does not challenge the impugned judgment as regards the conviction but has got submissions to make with respect to the sentence part. According to him, the appellant is of young age of 28 years, unmarried and a poor person. He has already undergone total sentence of more than 10 months out of substantive sentence of 1 year awarded to as such leniency be shown to him.

As per the custody certificate placed on file by the State counsel, the appellant-accused has already undergone the total sentence of 10 months and 2 days which includes remission. Though he is involved in some other criminal cases but in my considered view, ends of justice shall

be adequately met if sentence of appellant-accused is reduced to one already undergone by him in this case. Therefore, the appeal is accepted partly, inasmuch as the conviction of appellant-accused is upheld. However, regarding sentence the same is modified and he is sentenced to imprisonment already undergone by him in this case, whereas the fine part is kept as such.

The appellant, who is stated to be in custody is ordered to be released forthwith, if not required in any other case, on payment of fine.

**(H.S. MADAAN)**  
**JUDGE**

**July 05, 2018**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No