

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20496 of 2016

DECIDED ON: November 26, 2018

DR. (MS.) CHAND VASHISHT

..PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Amit Aggarwal, Advocate for
Mr. RB Gautam, Advocate for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P..C., prayer has been made for setting aside order dated 04.03.2016 (P-23) of the revisional court, dismissing the revision of petitioner against judgment of conviction and order of sentence dated 12.12.2014 (P-20) of the trial court, whereby, respondent No.2 was held guilty under Sections 451 and 427 IPC and sentenced to undergo simple imprisonment for 15 days and pay fine of Rs.2500/- each, in case of failure to deposit fine, to further undergo simple imprisonment for a period of 15 days.

The grouse of the petitioner is that both the courts below have failed to appreciate that respondent No.2 had committed a very heinous crime of damaging the house hold articles of the petitioner by illegally

trespassing into her house. Awarding of 15 days simple imprisonment to respondent No.2 is quite disproportionate to the aforesaid offences committed by him.

Having given anxious consideration to the submissions made by learned counsel for the petitioner, this Court finds the instant petition completely devoid of any merit for the reasons to follow:-

This petition has been filed under Section 482 Cr.P.C. by the petitioner against the revisional order to exercise extra ordinary powers to enhance the sentence part of respondent No.2, which, in the considered opinion of this Court, is not maintainable, more particularly, when no injury is being caused by respondent No.2 to the petitioner or any of her family members. No doubt, word 'injury' has a wider term, which includes physical, mental and injury to property. However, in the instant case, undisputedly, the daughter of the petitioner had married to respondent No.2, but their marriage was declared nullity by a court decree. Thereafter, as per allegations, respondent No.2 entered into the house of petitioner and damaged her house hold articles. For the offence of damaging house hold articles without causing any physical injury to petitioner or any of her family member committed by respondent No.2, he has already been suitably awarded punishment to undergo simple imprisonment for 15 days, which he had already undergone. Thereafter, respondent No.2 did not repeat any such mischief, despite, elapsing of two years, 9 months after passing of the impugned order by the revisional court and 4 years and 6 months after

passing of judgment of the trial court. Therefore, there is no scope for enhancement of sentence of respondent No.2.

Dismissed.

November 26, 2018
sonika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No