

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

1. **Crl. Revision 1397 of 2015**
Date of Decision : November 30, 2018

Sunil Kapoor

.....Petitioner

VERSUS

Rajan Thakur

.....Respondent

2. **Crl. Revision 1766 of 2015**

Rajan Thakur

.....Petitioner

VERSUS

Sunil Kapoor

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Amaninder Preet, Advocate
for Sunil Kapoor-convict.

Mr. D.N.Ganeriwala, Advocate
for Rajan Thakur-complainant.

T.P.S. MANN, J. (Oral)

Complaint filed by Rajan Thakur against Sunil Kapoor
for committing the offences under Sections 499/500 IPC

culminated in Sunil Kapoor being convicted under Section 500 IPC and sentenced to undergo rigorous imprisonment for a period of three months. The appeal filed by Sunil Kapoor-accused did not prove to be fruitful as it came to be dismissed by the lower Appellate Court. Similarly, the appeal filed by complainant-Rajan Thakur seeking enhancement of the sentence of imprisonment of Sunil Kapoor was also dismissed. Still not satisfied, Sunil Kapoor-accused moved this Court by filing a revision (Criminal Revision 1397 of 2015) under Section 401 Cr.P.C. in which he is on bail. Similarly, complainant-Rajan Thakur has filed separate revision (Criminal Revision 1766 of 2015) seeking enhancement of sentence of Sunil Kapoor-accused.

Learned counsel for accused-Sunil Kapoor submits that he does not challenge the judgments passed by the learned Courts below whereby he stood convicted under Section 500 IPC. However, he submits that as the accused has been facing the agony of criminal prosecution for the last about nine years and has undergone a period of about one month out of the sentence of imprisonment imposed upon them, a lenient view be taken in the matter of sentence. On the other hand, learned counsel for the complainant has submitted that the sentence of imprisonment awarded to the accused is on the lower side and deserves to be enhanced.

It may be worthwhile to mention here that Sunil Kapoor-accused was taken into custody on 15.4.2015 when the appeal filed by him against his conviction and sentence was dismissed by the learned lower Appellate Court. Subsequently, on 7.5.2015, he was ordered to be released on bail. As such, he has already undergone a period of more than three weeks.

Taking into consideration the totality of the circumstances, this Court finds that no useful purpose will be served by sending Sunil Kapoor-accused behind the bars so as to undergo the remaining sentence of imprisonment imposed upon him. Ends of justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him. At the same time, Sunil Kapoor-accused can be burdened with fine so that the same may be paid to complainant-Rajan Thakur, as compensation.

Resultantly, the conviction of Sunil Kapoor-petitioner under Section 500 IPC is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. However, he shall pay an amount of Rs. 5,000/- as fine. The fine amount be deposited by him in the Court of learned Chief Judicial Magistrate, Faridkot within a period of three months from today failing which he shall undergo simple imprisonment for one month. The entire fine amount if deposited or recovered from the

accused be paid to complainant-Rajan Thakur, as compensation.

Criminal Revision 1397 of 2015 filed by Sunil Kapoor-accused and Criminal Revision 1766 of 2015 filed by Rajan Thakur-complainant are disposed of, accordingly.

November 30, 2018
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(T.P.S. MANN)
JUDGE

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