

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-4051-2014
Decided on: 01.10.2018

Ashwani Kumar
State of Haryana
Versus
.... Petitioner
..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. N.S. Shekhawat, Advocate,
for the petitioner.
Ms. Aditi Girdhar, AAG, Haryana.

H.S. MADAAN, J (ORAL)

Accused Ashwani Kumar faced trial by Judicial Magistrate 1st Class, Mohindergarh for offences under Sections 452, 354 and 506 of IPC on the allegations that on 15.09.2007, when Monika daughter of complainant Krishan Kumar was present in her house at village Jhigawan, then accused trespassed in the said house and forcibly dragged her with bad intention. However, fortunately people from nearby houses came. Accused ran away and while doing so threatened Monika that in case she disclosed the incident to anybody else, he would kill her. Matter was reported to the police, formal FIR in the case was registered and accused was arrested in this case. On completion of investigation and other formalities, he was challaned and sent up to face trial.

2. During trial, the accused was charge sheeted for offences under Sections 452, 354 and 506 of IPC. On completion of trial, he was convicted vide judgment dated 22.07.2011 and sentenced vide order dated 25.07.2011. The details are as follows:-

U/s 354 IPC :	To undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.500/-, in default of
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	payment of fine, to undergo further rigorous imprisonment for a period of 2 months.
U/s 452 IPC :	To undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.1,000/-, in default of payment of fine, to undergo further rigorous imprisonment for a period of 4 months.
U/s 506 IPC :	To undergo rigorous imprisonment for a period of 1 year.

3. All the sentences were ordered to run concurrently.

4. Thereafter, accused preferred an appeal to Court of Sessions and which was assigned to Additional Sessions Judge, Narnaul, who vide judgment dated 28.11.2014, dismissed the appeal. The accused was taken into custody.

5. Feeling dissatisfied, he was preferred revision petition before this Court, notice of which was given to the State.

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

7. At the very outset, learned counsel for the revisionist states that he does not challenge the impugned judgments passed by the Courts below on the point of conviction, but wants to put forward submissions with regard to sentence part. According to him, the revisionist is aged about 25 years. It is stated that he is first offender and has old aged parents to look after. He is not shown to have been convicted in any other criminal case. He has already undergone more than 10 months, as such, lenient view in the matter can be taken keeping in view the facts and circumstances of the case and the fact that incident took place about 11 years earlier.

8. As per the custody certificate placed on file by the State counsel which is dated 01.08.2016, the accused has already undergone 10 months and 15 days of total sentence including remissions.

9. Keeping in view the facts and circumstances of the case, I am of the view that ends of justice shall be adequately met if while maintaining the conviction of the petitioner-accused, his sentence is reduced to one already undergone by him in this case. However, the sentence regarding the fine part is kept as intact. The amount of fine is stated to have been already deposited.

10. With such modifications in the impugned judgments, the revision petition challenging the impugned judgments stands is accepted partly.

(H.S. MADAAN)
JUDGE

01.10.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No