

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

CRR-974-2016 (O&M)
Date of decision: - 18.04.2018

Anuj Pandey

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. D.S. Virk, Advocate,
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed against the judgment dated 05.06.2015 passed by the Additional Sessions Judge, SAS Nagar, Mohali, whereby the appeal against the judgment of conviction and order of sentence dated 18.12.2014 passed by the learned Principal Magistrate Juvenile Justice Board, SAS Nagar (Mohali) convicting the petitioner-Juvenile in conflict of law under Section 377 IPC has been upheld, but sentence awarded to the petitioner for a period of three years to be kept in Special Home has been reduced to two years.

It is contended by learned counsel for the petitioner that he does not challenge the conviction on merits and restricts his prayer to

quantum of sentence only. It is further contended that the petitioner has already undergone the actual period of sentence of one year, seven months and one day out of total two years and that includes the post conviction period of one year, five months and eighteen days. It is further submitted that there is no other criminal case pending against the petitioner and at the time of alleged occurrence he was only 15 years of age.

The above factual position is duly acknowledged by learned State counsel.

Even otherwise, having examined the impugned judgment, no illegality or irregularity, has been found therein warranting interference by this Court regarding the conviction recorded by the learned Additional Sessions Judge and Juvenile Justice Board. However, a lenient view can be taken on the quantum of sentence of the petitioner in view of the facts and circumstances of the present case that at the time of occurrence on 30.03.2012 he was 15 years of age and he is has suffered the mental agony while facing the proceedings for the last more than six years in this case.

Accordingly, keeping in view the discussion made herein-above, it is a fit case where the sentence of the petitioner-juvenile in conflict of law for keeping him in Special Home is liable to be reduced. Thus, the conviction of the petitioner under Section 377 IPC is maintained and the sentence for keeping him in Special Home of the petitioner is reduced to one year and nine months.

With the above modification, the present petition stands disposed of.

Anuj Pandey-accused is stated to be on bail. He is directed to surrender before the Juvenile Justice Board, SAS Nagar, Mohali, within a period of fifteen days, who shall send him to Special Home to undergo the remaining part of the sentence. In case he failed to surrender, the Principal Magistrate of Juvenile Justice Board, SAS Nagar, Mohali shall take coercive steps to secure his presence and send him to Special Home to undergo the remaining part of his sentence.

A copy of this judgment be sent to the trial Court for strict compliance.

April 18, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes