

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 1787 of 2017 (O&M)

Date of Decision: 14.8.2018

Angrej Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sandeep Kumar Bokolia, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ANITA CHAUDHRY, J

Revisionist, Angrej has challenged his conviction under Sections 354-A, 354-D IPC in FIR No. 73 dated 4.5.2015 registered at Police Station City Moga. Chief Judicial Magistrate, Moga convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period two years along with fine for commission of offence punishable under Section 354-A and 354-D IPC.

The convict preferred an appeal which was dismissed by the Additional Sessions Judge, Moga vide order dated 12.4.2017. The petitioner was taken into custody.

Counsel for the petitioner has restricted his prayer only to the quantum of sentence.

I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Punjab.

The counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last more than three

years as the incident is of May, 2015 and the petitioner had remained in custody for over four months. Learned counsel for the petitioner further contends that during this period no similar incident had taken place and the sentence be reduced to the period already undergone.

The State counsel has opposed the petition.

The occurrence took place on 04.5.2015. The petitioner was convicted by the trial Court vide judgment dated 6.6.2016. His appeal was also dismissed by the Sessions Court on 12.4.2017 and he was taken into custody. The petitioner has remained in custody for more than four months. He has faced protracted trial for about three years. The petitioner is not a previous convict. Pursuant to the order dated 23.5.2017, the petitioner had also deposited Rs. 30,000/- with the Registry. Keeping the entire conspectus into view, I feel that ends of justice would be met if the sentence awarded to the petitioner is reduced to the period already undergone by him. There would be no modification with regard to the fine. In case the petitioner has deposited the fine, he be released forthwith in this case, if not required in any other case. A copy of this judgment be sent to the Courts below.

The compensation amount of Rs. 30,000/- deposited by the petitioner is ordered to be remitted to the Court of the CJM concerned. The Chief Judicial Magistrate would issue notice to the complainant and disburse the amount to her against proper receipt and identification.

With the above modification alone, the revision petition stands disposed.

(ANITA CHAUDHRY)
JUDGE

August 14, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No