

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.4476 of 2017 (O&M)
Date of Decision: 14.03.2018

Pawan Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Anmol Malik, AAG., Haryana.

LISA GILL, J(Oral).

The petitioner has been convicted for the offences punishable under Sections 292, 294, 341, 354, 506, 509 read with Section 34 IPC, by the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, vide judgment dated 22.11.2013. By a separate order of sentence dated 25.11.2013, the applicant/appellant has been sentenced as under:-

Offence u/s	Sentence
292 IPC	Simple imprisonment for three months besides, pay a fine of Rs.200/-
294 IPC	Simple imprisonment for one month
341 IPC	Simple imprisonment for a period of six months
354 IPC	Simple imprisonment for one year besides, pay a fine of Rs.100/-.
506	Simple imprisonment for six months
509 IPC	Simple imprisonment for three months besides, pay a fine of Rs.200/-

Appeal preferred by the petitioner has also been dismissed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide impugned judgment dated 13.11.2017.

Aggrieved therefrom the present revision petition has been filed.

At the outset, learned counsel for the petitioner submits that the petitioner does not challenge the impugned judgments on merits, but seeks reduction of the sentence on the ground of parity with the other co-accused.

It is submitted that three persons i.e. the present petitioner- Pawan Kumar, Sahil and Dolly wife of Tilak Raj were proceeded against in FIR No. 303 dated 17.07.2010, under Sections 292, 294, 341, 354, 506, 509 read with Section 34 IPC. All the accused persons including the petitioner were sentenced qua the offences punishable under Sections 292, 294, 341, 354, 506, 509 read with Section 34 IPC vide judgment dated 22.11.2017 by the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri.

Appeals were preferred by all the accused persons. Appeals preferred by co-convicts Dolly and Sahil were dismissed by a separate order passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri on 09.06.2014.

Criminal Revision No. 1845 of 2014 filed by the abovesaid co-convicts was dismissed while maintaining the conviction of the said persons though the sentence imposed upon them was reduced to the one already undergone i.e. about six months. Learned counsel for the petitioner contends that the role attributed to the co-accused Sahil is more serious than the one attributed to the present petitioner. As per the complainant, FIR and

statement of the complainant/witnesses, co-convict Sahil has been attributed a specific overt act of outraging the modesty of the victim, whereas the present petitioner is alleged to have send vulgar messages on the mobile of the victim. It is thus prayed that the sentence imposed upon the petitioner be also reduced to the one undergone by him i.e. about four months.

Photocopy of decision dated 08.12.2014 passed in CRR No. 1845 of 2014, furnished in Court is taken on record subject to just exceptions.

Heard learned counsel for the parties. I have gone through order dated 08.12.2014 as well as the file of this case.

Learned counsel for the State is unable to deny that the overt act of outraging the modesty of the complainant is attributed to the co-convict Sahil and the present petitioner is alleged to have sent vulgar letters and obscene messages (on the cell) to the complainant. It is further not in dispute that the sentence imposed upon the co-convict Sahil was reduced to the one already undergone i.e. six months of the actual sentence. The present FIR relates to the year 2010 i.e. before the amendment in the provision of Section 354 IPC. As per the unamended provision minimum sentence was not stipulated. It was provided that anyone guilty of the said offence would be punishable with imprisonment of either description for a term which may extend to two years or with fine or with both.

Keeping in view the facts and circumstances of the case as well as decision dated 08.12.2014 passed in CRR No. 1845 of 2014, conviction of the petitioner under Sections 292, 294, 341, 506, 509 read with Section 34 IPC, is maintained. However, the sentence imposed upon the petitioner

under Section 354 IPC is reduced from one year to six months. Fine imposed upon the petitioner is maintained. All the sentences shall run concurrently.

With the aforesaid modification in the order of sentence, this petition is dismissed.

14.03.2018
s.khan

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

[LISA GILL]
Judge