

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 4814 of 2017 (O&M)

Date of Decision: 30.8.2018

Sandeep @ Chhindi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sansar Kundu, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, DAG, Haryana.

ANITA CHAUDHRY, J

Revisionist, Sandeep @ Chhindi has challenged his conviction under Sections 354 IPC in FIR No. 769 dated 25.11.2012 registered at Police Station City Jind. Judicial Magistrate Ist Class, Jind 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 IPC.

The convict preferred an appeal which was dismissed by the Additional Sessions Judge, Jind vide order dated 7.9.2017. The petitioner was taken into custody.

Notice of motion was issued on the limited question of quantum of sentence.

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

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

years as the incident is of November 2012 and the petitioner had remained in custody for over eleven 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 23.11.2012. The petitioner was convicted by the trial Court vide judgment dated 20.4.2015. His appeal was dismissed by the Sessions Court on 7.9.2017 and was taken into custody. The petitioner has remained in custody for more than eleven months. He has faced protracted trial for about five years. The petitioner is not a previous convict.

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 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.

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

(ANITA CHAUDHRY)
JUDGE

August 30, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No