

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.1914 of 2018 (O&M)
Date of Decision: 26.09.2018

Amit and another

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Bikram Chaudhary, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana,
counsel for the respondent-State.

ANITA CHAUDHRY, J.

1. The revisionists Amit and Kuldeep have challenged their conviction under Section 354 & 506 IPC in FIR No. 48 lodged on 03.02.2011 at Police Station Saran, District Faridabad. The Judicial Magistrate Ist Class, Faridabad vide orders dated 26.10.2016 convicted the petitioners and sentenced them to undergo the following punishment:-

Under Section	Rigorous imprisonment	Fine	In default of payment of fine simple imprisonment
354 IPC	1 year	500/-	10 days
506 IPC	6 months	500/-	10 days

2. The convicts preferred an appeal which was dismissed by the Addl. Sessions Judge, Faridabad vide order dated 06.03.2018. The petitioners were taken into custody. Dis-satisfied with both the verdicts, present revision has been filed.

2. On 27.08.2018, learned counsel for the petitioners had confined his prayer only to the quantum of sentence, upon which notice of motion on the limited aspect was issued.

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

4. The counsel for the petitioners contends that the petitioners had faced a protracted trial for more than 5½ years as the incident is of February, 2011 and both the petitioners had remained in custody for over six months. Counsel further submits that the petitioners are the only earning members in their family and this is the first offence committed by them and they have old parents to look after, therefore, their sentence be reduced to the period already undergone.

5. The State counsel has opposed the prayer and submits that the petitioners have assaulted the complainant and outraged her modesty and also threatened her with dire consequences and the Courts below have already taken a lenient view.

6. The FIR in this case was registered on 03.02.2011. The petitioners were convicted by the trial Court vide order dated 26.10.2016. Their appeal was dismissed by the Appellate Court on

06.03.2018 and they were taken into custody. The petitioners have remained in custody for over 6 months. They have faced protracted trial for over 5½ years. Keeping the entire conspectus into view, I feel that ends of justice would be met if the sentence awarded to the petitioners is reduced to the period already undergone by them. Therefore, maintaining the conviction, the sentence of the petitioners is reduced to the period already undergone by them. However, there would be no modification with regard to the fine. The fine has already been paid. They be released forthwith in this case, if not required in any other case.

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

(ANITA CHAUDHRY)
JUDGE

26.09.2018

'Sunil'

Whether speaking/reasoned : Yes/No

Whether reportable : *Yes/No*