

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 2531 of 2018 (O&M)

Date of Decision: 15.11.2018

Roshan Lal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. V.M.Handa, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

ANITA CHAUDHRY, J

Revisionist, Roshan Lal has challenged his conviction under Sections 354, 452, 506 IPC in FIR No. 189 dated 22.5.2017 registered at Police Station City Jagadhri. Additional Chief Judicial Magistrate, Yamuna Nagar at Jagadhri vide judgment and order dated 5.9.2013/6.9.2013 convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period one year along with fine for commission of offence punishable under Section 354, 452, 506 IPC.

The convict preferred an appeal which was dismissed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri vide order dated 12.2.2018. 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.

Counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for the last about ten years as the

incident is of May 2007 and the petitioner had remained in custody for over nine 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 21.5.2007. The petitioner was convicted and sentenced by the trial Court vide judgment/order dated 5.9.2013/6.9.2013. His appeal was dismissed by the Sessions Court on 12.2.2018 and was taken into custody. The petitioner has remained in custody for more than nine months. He has faced protracted trial for about ten 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

November 15, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No