

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Revision No. 307 of 2018 (O&M)

Date of Decision: 03.10.2018

Jatinder Singh

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. H.S. Oberoi, Advocate
for the petitioner.**

Mr. Jagmohan Ghumman, DAG Punjab.

ANITA CHAUDHRY, J.

Delay condoned.

The instant revision petition has been preferred against the judgment vide which the petitioner had been convicted and sentenced under Sections 323, 354, 354-B, 452, 506 and 509 IPC. His appeal was dismissed by the first Appellate Court.

FIR No. 51 dated 06.04.2013 was registered against the petitioner under Sections 323, 354, 451, 506 and 509 IPC at Police Station Urban Estate Patiala. The allegations were that on 04.04.2013 he trespassed into the house of complainant (PW1) and tried to outrage her modesty. She raised alarm and her mother (PW3) rushed to the spot. The petitioner assaulted and criminally intimidated them.

The challan was presented. The petitioner was tried for offence under Sections 323, 354, 354-B, 452, 506 and 509 IPC.

At the trial, the prosecution produced the complainant, her parents apart from other witnesses. The petitioner abjured the trial. No defence evidence was led.

On conclusion of trial, the petitioner was held guilty and sentenced to undergo rigorous imprisonment for six months and a fine of Rs.500/- under Section 323 IPC. In default of payment of fine, he was required to undergo simple imprisonment for five days. For committing offence under Sections 354, 452 and 506 IPC he was sentenced to undergo rigorous imprisonment for two years with fine of Rs.200/- under each head and in default of payment of fine under any head, further simple imprisonment for five days was awarded. The petitioner was sentenced to undergo rigorous imprisonment for three years under Section 354-B IPC and to pay a fine of Rs.500/-, in default whereof further simple imprisonment for five days was awarded. One year rigorous imprisonment was awarded under Section 509 IPC with a fine of Rs.300/- and in default thereof, he was further sentenced for three days' simple imprisonment. All the sentences were ordered to run concurrently.

The appeal filed by the petitioner was dismissed by the Appellate Court below.

Dis-satisfied with the same, instant revision petition has been filed.

On 29.08.2018 learned counsel had restricted his prayer on the quantum of sentence awarded to the petitioner.

Learned counsel has pointed out that the petitioner is in custody

for more than eleven months and no other case of similar nature is pending against him. The other case pending against him does not involve moral turpitude. The parties are neighbours and at one point of time were having cordial relations.

Learned State counsel has not controverted the position that the petitioner is a first offender and another case pending against him is of rash and negligent driving.

The petitioner has already undergone the agony of protracted trial as well as appeal for more than 05 years. Considering the facts and circumstances of the case and the antecedents of the petitioner coupled with the nature of offence for which he has been convicted, this Court is of the considered opinion that ends of justice would be met if the sentence of the petitioner awarded under Sections 354, 354-B, 452 and 506 IPC is reduced to one year. The fine awarded under all the heads would remain intact. It is ordered accordingly. The order of conviction of the petitioner is upheld.

With the above modification, the instant revision petition stands disposed of.

October 03, 2018
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No