

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 815 of 2018 (O&M)

Date of Decision: 26.9.2018

Kamaljit Singh @ Kala

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.S.Dhaliwal, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

ANITA CHAUDHRY, J

CRM-7793-2018

Application is allowed for the reasons stated therein.

Delay of 24 days in filing the revision is condoned.

CRR-815-2018

Through this petition, the revisionist has challenged his conviction under Section 452, 323, 354, 506 IPC. The conviction was recorded in FIR No. 35 dated 13.06.2014 at Police Station Balianwali. The Judicial Magistrate Ist Class, Phul vide judgment and order dated 3.3.2016 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 452, 323, 354, 506 IPC.

The convict preferred an appeal which was dismissed by the Additional Sessions Judge, Bathinda vide order dated 30.10.2017. The petitioner was taken in custody to undergo the remaining part of sentence.

Aggrieved with both the verdicts, the accused has preferred the

instant petition.

Custody certificate has been filed by the State which is taken on record.

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

During the course of arguments, counsel for the petitioner confined his prayer only to the quantum of sentence imposed upon the petitioner.

Counsel for the petitioner contends that the petitioner is the first offender and had faced a protracted trial for the last more than four years as the incident is of June, 2014 and petitioner had remained in custody for about 11 months. The counsel further contends that the sentence of the petitioner may be reduced to the period already undergone by him.

The State counsel has opposed the prayer and submits that convict-petitioner had trespassed the house of the complainant with an intention to outrage the modesty of his wife and caused injury to the complainant and also tried to commit suicide and the Courts below have already taken a lenient view and no leniency should be shown to the petitioner.

As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner are affirmed.

As regards the prayer of reduction of sentence is concerned, it is noticed that the occurrence took place on 11.6.2014. The petitioner was convicted by the trial Court vide judgment dated 3.3.2016. His appeal was dismissed by the Sessions Court on 30.10.2017. The petitioner has remained

in custody for 11 months. Considering the fact that the petitioner has been undergoing the agony of this trial for the last more than four years and is first offender, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner under Section 452, 323, 354, 506 IPC is reduced to one year.

Thus, partly allowing the revision, the sentence awarded under Section 452, 323, 354, 506 IPC is reduced to one year. There would be no modification in the fine.

With the above said modification, the revision petition is disposed of.

(ANITA CHAUDHRY)
JUDGE

September 26, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No