

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-1274-2007

Pronounced on:- July 11, 2019.

Ram Kishan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Argued by:- Mr. Sat Narain Yadav, Advocate for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

This revision petition has been preferred by the above named petitioner challenging the order of conviction dated 19.12.2003, order of sentence dated 22.12.2003 passed by the learned Chief Judicial Magistrate, Rewari and the Appellate Court order dated 19.7.2007 whereby his appeal against the judgment dated 19.12.2003 and order of sentence dated 22.12.2003, was dismissed.

Petitioner was convicted and sentenced as under:-

<i>Sr. No.</i>	<i>U/s</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default of non payment of fine further sentence</i>
1	354 IPC	One year	Rs.5,000/-	Two months

Briefly stated the case of the prosecution is that petitioner was working in the hospital of Dr. Rajbir Singh. The old aged mother of the said doctor was present in his clinic to attend her grandson.

When said Dr. Rajbir Singh visited that room he found that

petitioner was misbehaving with his old age mother of the complainant. The petitioner put his hands on the breast of her mother and also grappled with her. He was overpowered and found to be under the influence of liquor.

During the trial, prosecution examined Dr. Rajbir Singh as PW-1, the victim Smt. Chmpa Devi as PW-2, Dr. Saroj Ranga as PW-3, ASI Chander Bhan as PW-4 and Dr. Ram Kishan as PW-5. On the evaluation of evidence, petitioner was convicted and sentenced as aforesaid.

I have heard the learned counsel for the parties and have gone through the record.

On the independent examination of the evidence available on the record, one thing establishes that petitioner has outraged the modesty of the old age woman Smt. Champa Devi. He was seen by Dr. Rajbir Singh, PW-1 and Dr. Suresh Ranga, PW-3. Their evidence inspires confidence and no reason has been assigned why they will depose falsely.

The accused-petitioner examined DW-1 Dharmbir who testified that there was dispute with regard to some money but his evidence is an afterthought and it does not lend weight. By cross-examining Dr. Rajpal, a specific suggestion was given that after the occurrence, Ram Pal real brother of the accused also entered the hospital and there was altercation between him and the complainant. This Court would like to reproduce the relevant part of the cross-examination hereunder:-

“I know Ram Pal s/o Surajbhan. It is correct to suggest that Ram Pal misbehaved after this occurrence. It is also correct that Ram Kishan is the real brother of Ram Pal. It is also correct to suggest that one case under Section 506 IPC is pending in the

Court of Sh. AK. Singal, Learned JMIC, Rewari against the Ram Pal. It is wrong to suggest that I demanded any paisa from the Ram Pal. The distance of my village from Narnaul is about 25 KM.”

No suggestion was given to PW-1 if there was any enmity between him and the accused with regard to the money transaction, it appears that the version given by PW-1 is afterthought.

After critical examination of the evidence on record, this Court is of the view that the conviction of the petitioner has been well founded.

Now coming to the quantum of sentence. The petitioner has suffered agony of protracted trial of 18 years and in fact he is facing proceedings for the last more than 18 years.

Keeping in view the circumstances, this Court is of the view that ends of justice would be adequately meted out if the substantive sentence is reduced to six months. Thus, the appeal is partly accepted with said modification in sentence. For the sake of clarity, now the petitioner stands sentenced to undergo rigorous imprisonment for 6 months and to pay a fine of Rs.5,000 and in default of payment of fine, to further undergo two months.

With the above direction petition is partly dismissed.

Copy of this order be sent to the Chief Judicial Magistrate, Rewari for implementation of the order of sentence.

(RAJ SHEKHAR ATTRI)
JUDGE

July 11, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.