

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

**CRR-1243-2008 (O&M)
Date of Decision : 24.05.2019**

Anil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Sandeep K.Sharma, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 401 Cr.P.C. against the judgment dated 14.07.2008, passed by the learned Addl. Sessions Judge, Hisar, dismissing his appeal against the judgment of conviction dated 30.08.2006 and order of sentence dated 31.08.2006, passed by the learned trial court vide which he was convicted and sentence to undergo rigorous imprisonment for a period of 01 month and to pay a fine of Rs.500/- under Section 341 IPC and in default of payment of fine to further undergo simple imprisonment for a period of 15 days and rigorous imprisonment for a period of 09 months and to pay a fine of Rs.1000/- under Section 354 IPC and in default of payment of fine to further undergo simple imprisonment for a period of 01 month.

It is a case of the prosecution that on 31.08.2001, the prosecutrix was on her way to home from the college on a bicycle. She

found the petitioner standing by the side of white coloured Maruti car, who caught hold her from her arm and forcibly tried to pull her in the Maruti car. The prosecutrix raised alarm and the petitioner failed in his bad intention and ran away from the spot in the car.

After completion of investigation, the report under Section 173 Cr.P.C. was submitted against the petitioner.

In order to prove its case, the prosecution examined **PW1** Archana, **PW2** Bimla, **PW3** Ishwar Singh, **PW4** Parveen and **PW5** Sub Inspector Hukam Chand.

After conclusion of the trial, the statement of accused under Section 313 Cr.P.. was recorded in which he denied the allegations levelled against him and pleaded his false implication.

On appreciation of evidence, the petitioner was convicted and sentenced, as stated above.

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

Learned counsel for the petitioner has submitted that the petitioner does not deserve the conviction. Rather he prays that he is a young man and facing agony of the trial for the last more than 18 years and he be given the benefit of probation.

I have considered this contention.

A bare perusal of the record transpires that the conviction is well founded and there are concurrent findings of the courts below. The custody certificate, produced by learned State counsel, transpires that he has already undergone 02 months and 09 days of actual sentence.

To the mind of this Court, no ground is made out to set aside

the conviction, therefore, his conviction stands upheld and his sentence is reduced to the period already undergone by him.

Thus, the instant petition stands disposed of by altering the sentence for a period of 02 months and 09 days which the petitioner has already undergone.

24.05.2019
mamta

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No

(RAJ SHEKHAR ATTRI)
JUDGE