

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRR-2659-2008

Date of Decision:01.07.2019

Sukhdev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Narinder Singh, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

The petitioner has filed the present criminal revision against the judgment dated 02.12.2008 passed by learned Additional Sessions Judge, Bathinda, whereby his appeal against the judgment of conviction and order of sentence dated 11.08.2008 passed by learned Additional Chief Judicial Magistrate, Bathinda, was dismissed.

Briefly stated, FIR No.340 dated 26.07.2000 under Sections 294, 354, 506, 509 IPC was registered against the petitioner at Police Station Kotwali, Bathinda on the basis of statement made by complainant Devinder Kaur. In her statement, she stated that her husband is a carpenter by profession. They are having a Maruti car which they wanted to sell. Some days ago, when she along with her husband were present at their residence, petitioner-accused came to see the car for some one. On seeing her with bad intention, he started obscene acts pointing to her. His intention

was not good. Thereafter, petitioner-accused telephoned her, but she told him that she is not such type of woman as he thinks and disconnected the phone. She narrated the whole episode to her husband. They kept mum to save their respect in the society. Thereafter, the complainant along with her brother-in-law(Devar) were standing at the bus stand, a maruti car bearing registration No.DBC-1999 came from the side of village Multania and stopped by her side. Petitioner-accused alighted from the said car and with bad intention without her consent, caught her wrist and forced her to sit in the car. She along with her brother-in-law raised alarm. Then petitioner-accused left her wrist and threatened her if she will disclose this incident to anyone, he will kill her and fled away from the spot.

After registration of the FIR, investigation was carried out and the statements of witnesses were recorded. The accused was arrested and produced in Court. After completion of investigation, Challan was filed in the Court.

The copy of Challan as envisaged under Section 207 Cr.PC was supplied to the accused free of cost. Finding a prima facie case against the petitioner, he was charge-sheeted under Sections 294, 354, 506, 509 IPC to which he did not plead guilty and claimed trial.

After recording the evidence and hearing the parties, learned trial Court vide judgment dated 11.08.2008 convicted the petitioner for the commission of offence punishable under Sections 294, 354, 506, 509 IPC. Vide separate order dated 11.08.2008, learned trial Court sentenced the petitioner to undergo imprisonment for a period of six months for the commission of offence under Section 354 IPC and for commission of offence punishable under Sections 294, 506, 509 IPC for a period of three

months each.

Feeling aggrieved, the petitioner preferred an appeal against the aforesaid judgment of conviction and order of sentence before the Court of Session. However, vide judgment dated 02.12.2008, learned Additional Sessions Judge, Bathinda, dismissed the said appeal.

It is in the aforesaid circumstances, the petitioner has filed the present criminal revision.

At the outset, learned counsel for the petitioner has not challenged the conviction of the petitioner, but restricted his arguments on the point of quantum of sentence awarded to the petitioner.

He has argued that as against the awarded sentence of six months, the petitioner has already undergone actual imprisonment for 01 month. He is a poor person and has been suffering the agony of criminal proceedings since 26.07.2000 i.e. the date of registration of the FIR in question.

On the other hand, learned State counsel has not disputed the custody of the petitioner, but has opposed the plea of taking a liberal view, as pleaded by learned counsel for the petitioner.

Heard learned counsel for the parties.

Perusal of the impugned judgments passed by the Courts below shows that the trial Court has rightly appreciated the evidence on record while holding the petitioner guilty for commission of offence under Sections 294, 354, 506, 509 IPC. The appellate Court has also dismissed his appeal. There is no illegality or perversity in the findings given by both the Courts below regarding conviction of the petitioner under Sections 294, 354, 506, 509 IPC, which may warrant interference of this Court by

invoking its revisional jurisdiction. Even otherwise, learned counsel for the petitioner has not assailed the judgments of conviction and has, rather, restricted his arguments qua the quantum of sentence only. The conviction of the petitioner is, therefore, affirmed.

So far as the issue on quantum of sentence is concerned, as against the awarded sentence of six months, the petitioner has already undergone imprisonment for a period of 01 month. He has been facing the agony of criminal proceedings since 26.07.2000 i.e. the date when the FIR in question was registered against him.

Therefore, taking into account the protracted trial, antecedents of the petitioner coupled with the fact that he has already suffered incarceration for a period of 01 month, this Court feels that the ends of justice would be met, if the sentence awarded to the petitioner is reduced to the period already undergone by him, subject to payment of costs of ₹5,000/- to be paid by the petitioner with the Poor Patients Welfare Fund, PGIMER, Chandigarh.

Ordered accordingly.

With aforesaid modification in the order of sentence, the present revision petition stands dismissed.

July 01, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No