

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

CRR No.524 of 2008 (O&M)
Decided on:- October 30, 2019.

Pala Ram.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Vikramjeet Singh, Addl. A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed the present criminal revision against the judgment dated 29.02.2008 passed by learned Additional Sessions Judge, Kaithal whereby his appeal against the judgment of conviction dated 08.04.2006 and order of sentence dated 12.04.2006 passed by learned Chief Judicial Magistrate, Kaithal, was dismissed.

Briefly stated, FIR No.30 dated 21.02.1998 under Sections 354 and 452 IPC was registered against the petitioner at Police Station Dhand, District Kaithal. As per the FIR, on 21.02.1998 ASI Jogi Ram along with other police officials was present at Bus Stand, Dhand in discharge of his duty in the official vehicle. In the meantime, complainant Sheoman Devi came there and got her statement recorded to the effect that she is resident of village

Barot and is a household lady having four children. On 20.02.1998 at about 09.00 P.M., when she was present in her home along with her husband and children, a person came and embarrassed her and tried to kiss her cheeks. She got frightened and raised an alarm for help on which her husband came in the courtyard and tried to catch hold that person, who was identified as Pala Ram (petitioner herein) son of Siria resident of their own village. However, the petitioner managed to free himself from the grip of her husband and fled 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 354 and 452 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 08.04.2006 convicted the petitioner for the commission of offence punishable under Sections 354 and 452 IPC. Vide separate order dated 12.04.2006, learned trial Court sentenced the petitioner to undergo imprisonment as under:

<u>Offence</u>	<u>Sentence</u>
354 IPC	Simple imprisonment for a period of six months and to pay a fine of Rs.500/- and in default thereof, to further undergo simple imprisonment for a period of

one month.

452 IPC

Simple imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default thereof, to further undergo simple imprisonment for a period of two months.

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 29.02.2008, learned Additional Sessions Judge, Kaithal 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 6 months under Section 354 IPC and 1 year under Section 452 IPC, the petitioner has already undergone actual imprisonment for 21 days. He has contended that the petitioner is a first time offender and is the only bread earner of his family. He has been suffering the agony of criminal proceedings since 21.02.1998 i.e. the date of registration of the FIR in question. Thus, he has prayed that the sentence of imprisonment awarded to the petitioner be reduced to the period already undergone by him.

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.

I have 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 354 and 452 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 354 and 452 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, the custody certificate already placed on record by learned State counsel shows that as against the awarded sentence of 6 months under Section 354 IPC and 1 year under Section 452 IPC, the petitioner has already undergone actual imprisonment for a period of 21 days. He has been facing the agony of criminal proceedings since 21.02.1998 i.e. the date when the FIR in question was registered against him. No other case has been pointed out against the petitioner.

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 21 days, 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.

Ordered accordingly.

However, there will be no change in the sentence of fine awarded to the petitioner.

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

October 30, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No