

In the High Court of Punjab and Haryana at Chandigarh

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CRR No. 2096 of 2018 (O & M)
Date of Decision: 11.02.2019

Irshad

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sahil Chaudhary, Advocate for
Mr. Balkar Singh, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

A.B. CHAUDHARI, J (ORAL)

The revision petition has been filed for enhancement of sentence awarded to respondent No.2-Irfan son of Kamil. The learned trial Court has awarded sentence of 15 years for the offences punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012; Sections 376 (2) (i) and 506 IPC.

Learned counsel for the revision-petitioner vehemently contended that the sentence is on a lower side and the case at hand being of rarest of rare exemplary sentence ought to have been imposed.

Learned State counsel submits that the accused, who is in custody, has two children aged about 3 ½ years and 1 year respectively.

Having gone into the impugned judgment and having heard

learned counsel for the revision-petitioner, we find that there is no need to

tinker with the sentence ordered by the learned trial Court upon consideration of the entire matter, evidence etc.

In our opinion, the judicial discretion exercised by the learned trial Court in the matter of award of sentence cannot be interfered with. There are no circumstances which are available on the record to make the enhancement of sentence. We, therefore, find no reason to enhance the sentence as prayed for by the revision petitioner.

Dismissed.

(A.B. CHAUDHARI)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

February 11, 2019

A.Kaundal

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No