

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-2021-2019 (O&M)
Date of Decision:- 24.10.2019

Sandeep Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Satinder Kaur, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by SI Manjit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this court challenging judgment dated 9.7.2019, passed by learned Additional Sessions Judge, Patiala whereby an appeal filed by the petitioner against judgment dated 2.11.2017 passed by learned Judicial Magistrate 1st Class, Patiala holding him guilty for committing offences punishable under Section 354 and 457 IPC has been dismissed.

2. Learned Judicial Magistrate 1st Class, Patiala while convicting the petitioner for offences under Sections 354 and 457 IPC, sentenced the petitioner to undergo the following imprisonment:

Offence under Section	Sentence awarded	Fine imposed
354 IPC	Rigorous imprisonment for two years	₹500/- in default of payment of fine simple imprisonment for 10 days
457 ICP	Rigorous imprisonment for two years	₹500/- in default of payment of fine simple imprisonment for 10 days

3. Appeal filed by the petitioner challenging aforesaid judgment dated 2.11.2017 was also dismissed by the learned Additional Sessions Judge, Patiala, which has been challenged by way of filing the present revision petition in this Court.
4. This Court upon finding that there was no infirmity in the findings as regards the guilt of the petitioner had issued notice to the State for the limited purpose for considering the propriety of the sentence.
5. Learned counsel for the petitioner has submitted that the petitioner is a young man aged 23 years and is a first offender and has thus prayed that a lenient view may be taken in the sentence.
6. As per custody certificate filed today in the Court, the petitioner has undergone 3 months and 29 days apart from having earned remissions to the tune of 8 days.
7. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner is a young man and is a first offender, a lenient view can be taken in the matter of sentence.

Consequently, the substantive sentence of imprisonment as imposed upon the petitioner is reduced from 2 years for each of the offences to 4 months for each of the offences. Both the sentences shall however run concurrently. The fine shall however remain unaltered. However, the aforesaid reduction shall be subject to the condition that the petitioner pays an amount of ₹50,000/- as compensation to the victim which shall be deposited in the Court of Chief Judicial Magistrate, concerned within a week from today with a notice of such deposit to victim. Upon such amount being deposited, the same shall be disbursed to the victim subject to proper identification.

8. The revision petition stands accepted to the limited extent as regards modification of sentence, as indicated above.

October 24, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No