

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

CRR-2146-2019 (O&M)

Date of Decision:- 5.12.2019

Rajeev Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Snehdip Oberoi, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this court challenging judgment dated 23.7.2019, passed by learned Additional Sessions Judge, Ludhiana whereby an appeal filed by the petitioner against judgment dated 30.11.2017 passed by learned Judicial Magistrate 1st Class, Ludhiana has been dismissed and conviction of the petitioner for offences punishable under Sections 354-A and 354-D IPC has been upheld.

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

Offence under Section	Sentence awarded	Fine imposed
354-A IPC	Rigorous imprisonment for one year	₹500/- in default of payment of fine simple imprisonment for 5 days
354-D IPC	Rigorous imprisonment for one year	₹500/- in default of payment of fine simple imprisonment for 5 days

3. At the time of preliminary hearing, i.e on 27.9.2019, learned counsel for the petitioner had confined his submission to the quantum of sentence and accordingly notice of motion had been issued to the limited extent so as to consider the propriety of the sentence.
4. I have heard the learned counsel for the petitioner and also the learned State counsel. Keeping in view the fact that the petitioner is a young man aged 25 years and is not stated to be a previous convict and has already undergone a total sentence of 5 months and 7 days including remission to the tune of 20 days, this Court is of the opinion that there could be some room for reduction in sentence. Consequently, the substantive sentence of imprisonment as imposed upon the petitioner is reduced from 1 year for each of the offences to one already undergone for each of the offences. 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 month 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.

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

December 5, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No