

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

314

CRR-1863-2007

Date of decision: 23.01.2023

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner has filed the instant revision petition to impugn the order dated 19.09.2007 passed by learned Sessions Judge, Sirsa whereby the appeal preferred by him against the judgment of conviction dated 03.04.2006 and order of sentence dated 04.04.2006 passed by learned Chief Judicial Magistrate, Sirsa, was dismissed.

Vide judgment dated 03.04.2006 learned Chief Judicial Magistrate, Sirsa, convicted and sentenced the petitioner as under:-

Offence(s)	Period of sentence	Fine imposed	Period of sentence in default of payment of find
452 of the IPC	RI for 02 years	Rs.500/-	SI for 03 months
323 of the IPC	RI for 06 months	-	-

The case as set up by the prosecution may be noticed as thus:

The FIR in question was registered at the instance of Pooja Sharma that her elder sister Renu was married with Rajender and she had filed a complaint of dowry demand against her in-laws. On

01.07.1999 at about 08:30 A.M. when she and her sister Renu and Anu were in the house, accused Rajender, Sandeep and Guddi alias Rakesh came to their house. On coming they not only threatened Renu to withdraw the criminal case institute against them but also beaten her up. When the complainant intervened, Sandeep gave a rod blow on her head as a result of which blood starting oozing. Her sisters rescued her from the clutches of the accused who thereafter fled away.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the said judgments.

Learned counsel for the petitioner has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the sentence only. Learned counsel submits that the occurrence in question pertains to the year 1999 and the petitioner has thus, suffered the agony of trial for the last 24 years. Learned counsel further submits that the petitioner has been leading the life of a disciplined and peace loving citizen ever since then and is not involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view may be taken and the quantum of sentence awarded to the petitioner by the Trial Court be reduced to the period already undergone as no useful purpose would be served by sending the petitioner behind bars.

The custody certificate, which has been filed by the State counsel today in Court, does not reflect the involvement of the petitioner in any other criminal case.

Heard learned counsel for the parties and perused the

relevant material available on record.

Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioner, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioner his substantive sentence of two years is reduced to the sentence already undergone by him in the present case.

However, fine imposed on the petitioner is enhanced from Rs.500/- to Rs.10,000/-. It is made clear that in case of non-deposit of fine with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioner and he will be required to undergo the remaining part of the sentence awarded to him. On deposit of fine, the same shall be disbursed to the injured, as directed above.

With the aforesaid modifications, the instant revision petition is disposed of.

23.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No