

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-3582-2016 (O&M)
Date of decision: 12.05.2023

Joga Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rahul Garg, Advocate for
Mr. Naveen Batra, Advocate
for the petitioner.

MANJARI NEHRU KAUL J. (ORAL)
CRM-30848-2016

1. The instant application has been filed under Section 5 of Limitation Act for condonation of delay of 311 days in filing the appeal.

2. After hearing learned counsel for the applicant and perusing the paperbook, same is allowed and the delay of 311 days in filing the appeal is hereby condoned.

Main Case

3. The instant petition has been filed to impugn the judgment dated 05.02.2013 passed by learned JMIC Hoshiarpur whereby the petitioner was convicted for offences under Sections 506 and 509 IPC

in case FIR No.13 dated 09.02.2011 at P.S. Bullowal and sentenced as follows:

Under Section	Imprisonment	Fine	In default
506 IPC	To undergo SI for a period of six months	Rs.500/-	To further undergo SI for a period of 15 days
509 IPC	To undergo SI for a period of six months	Rs.500/-	To further undergo SI for a period of 15 days

All the sentences were ordered to run concurrently.

4. The Petitioner thereafter challenged his conviction before the learned Additional Sessions Judge, Hoshiarpur, which was upheld vide its judgment dated 11.08.2015. The prayer made by the petitioner-appellant to release him on probation was declined and instead learned Addl. Sessions Judge, Hoshiarpur awarded alternative punishment of penalty and enhanced the fine imposed from Rs.1,000/- to Rs.10,000/- with directions that Rs.8,000/- out of it be disbursed to the complainant-victim.

5. As per the allegations levelled in the FIR, which was registered at the instance of complainant-Jaswinder Kaur, when she was returning to her house, the accused, who was urinating, held out his male organ and asked her to hold it, which led to a verbal spat between the two. The wife of the accused came to the spot and took him away. While leaving the spot, the accused threatened the complainant with

dire consequences. Since, both the parties were co-villagers, efforts were made to effect an amicable compromise between them, however, in vain.

6. Learned counsel for the petitioner has contended that the Court below failed to consider the material discrepancies in the statements of the witnesses. He has further submitted that in her statement though the complainant deposed that a large number of people had gathered at the spot on hearing the commotion, however, none of them was joined by the investigating agency during investigation nor were they cited as prosecution witnesses, and still further, the delay in the lodging of the FIR also hinted towards his false implication.

7. Heard learned counsel for the petitioner and perused the relevant material available on record.

8. I have perused the impugned judgments and do not find any illegality much less perversity in them. The complainant was subjected to a lengthy cross-examination and the defence failed to elicit any material to discredit her testimony. Furthermore, this Court does not have any reason to doubt or question the testimony of PW-2 Manjit Kaur, Sarpanch, who corroborated the case of the complainant on all material aspects, more so, when there is nothing to suggest on record that she could have had any motive to falsely depose against the

petitioner.

9. This Court, thus, is not inclined to set aside the impugned judgment and order of sentence. Accordingly, the present petition being devoid of any merit stands dismissed.

12.05.2023
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(MANJARI NEHRU KAUL)
JUDGE

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