

2024:PHHC:055951

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1494-2022 (O&M)
DECIDED ON: 24.04.2024

SINDER KAUR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

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

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The instant revision has been preferred by Sinder Kaur, challenging judgment dated 24.05.2022 passed by learned Additional Sessions Judge, Kurukshetra, whereby judgment of conviction and order of sentence dated 13.02.2017 passed by Additional Chief Judicial Magistrate, Kurukshetra, in case bearing FIR No. 2, dated 01.01.2016, under Section 379 IPC, registered at Police Station, Sadar Thanesar, District Kurukshetra has been upheld, vide which, the accused – petitioner has been convicted and sentenced to undergo RI for a period of three years and to pay a fine of Rs.10,000/-; in default thereof, to undergo further RI for six months for commission of offence under Section 411 IPC.

2. At the very outset, learned counsel for the petitioner contends that in

view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is on higher side.

3. Here it would be pertinent to mention that petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the appellate court. Apart from the fact that petitioner has faced the agony of protracted trial since 2016 after registration of the instant case, who is a poor lady and has to look after her three daughters. Moreover, petitioner has already undergone the actual sentence of 07 months and 24 days, as of now out of total substantive sentence of three years. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve herself; to become a good citizen; and to lead a peaceful & harmonious life.

5. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by her with no change in fine clause.

6. With the aforesaid modification in the quantum of sentence, the

revision petition stands disposed off. Petitioner be released forthwith in case she is not required in any other case.

7. All the pending criminal misc. applications are also disposed off.

24.04.2024
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(SANDEEP MOUDGIL)
JUDGE

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