

Neutral Citation No.2024:PHHC:000705

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

106

CRR No.2055 of 2023 (O&M)

Date of decision: 05.01.2024

Jarnail Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rupender Singh Rana, Advocate,
for the petitioner.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner challenging the judgment of conviction and order on quantum of sentence dated 15.10.2018 as passed by learned Chief Judicial Magistrate, Faridkot in case bearing FIR No.40 dated 22.04.2016 registered under Sections 354 and 452 of IPC at Police Station Sadar, Kotkapura as well as the judgment dated 17.10.2022 passed by learned Sessions Judge, Faridkot whereby the appeal filed by him had been dismissed with certain modification.

2. The criminal law had swung into action in this case on the basis of a statement recorded by the complainant (name withheld) on 22.04.2016 alleging therein that on the previous night at about 12:30 AM, she along with her children was sleeping in the courtyard of her house, the present petitioner entered therein and tried to outrage her modesty. On hearing alarms raised by her, her son had got up and on seeing him, the petitioner had fled away along with kirpan which he was carrying.

Neutral Citation No.2024:PHHC:000705

After registration of a case under Sections 354 and 452 of IPC as against the petitioner, he was arrested. After completion of investigation, challan against him was presented in the Court. He faced trial and was held guilty and convicted for commission of the aforementioned offences and was sentenced to undergo imprisonment for a period of two years for each of the offences.

3. Feeling aggrieved from the judgment of conviction and order on quantum of sentence, the petitioner had preferred an appeal before the Court of learned Sessions Judge, Faridkot. A perusal of the contents of the judgment dated 17.10.2022 as passed by learned Sessions Judge reveals that during the course of arguments, the petitioner had not chosen to assail the findings on the point of conviction and the only prayer which was made by him was for modifying the order on quantum of sentence by way of reducing the sentence of imprisonment of two years for each offence. The learned Appellate Court, while considering this request, had modified the order on quantum of sentence and had reduced the period of sentences from two years each to one year each without any modification in the amount of fine as imposed by the trial Court and both the sentences were ordered to run concurrently.

4. From the impugned judgment of the learned Lower Appellate Court, it is noticed that the learned counsel representing the petitioner had not challenged conviction of the petitioner before the said Court and had addressed arguments only in regard to quantum of sentence. Be that as it may, but with a view to satisfy myself as to the correctness and the

Neutral Citation No.2024:PHHC:000705

conviction recorded by the trial Court against the present petitioner, I have perused the record in the light of the arguments addressed by learned counsel for the petitioner. From the evidence so produced by the prosecution, it is clear that the incident in question in this case had occurred on 22.04.2016. A complaint in this regard was lodged promptly with the concerned Police Station on the same day. The learned trial Court had properly analyzed the evidence produced on record and had arrived at a well reasoned finding of fact that the present petitioner after entering into the house of the victim on the fateful night had tried to outrage her modesty. The petitioner had produced defence evidence before the trial Court to prove that previously there was some loveable relationship between the petitioner and the victim and she had implicated him falsely in this case under the pressure of her husband. The learned trial Court had analyzed the documents which were in the shape of letters Ex.D-1 to D-8 in this regard but had observed that on the basis of these letters which were alleged to have been written by the victim to him, the allegations as levelled against the petitioner did not stand mitigated. The learned trial Court as well Lower Appellate Court finding no merit in the arguments of the petitioner had rightly held him guilty for commission of the aforementioned offences. The view taken by the trial Court does not suffer from any unreasonableness, perversity nor it is an understandable on any ground, any other view even if possible by this Court is to be substituted with the view of the trial Court in the facts and circumstances. As such, I find no reason to come to any different conclusion and find no

Neutral Citation No.2024:PHHC:000705

merit in the argument that the petitioner had been erroneously convicted.

5. Now on having satisfied myself as to the correctness of the conviction of the appellant by the trial Court as upheld by the learned Lower Appellate Court, it is to be considered as to whether the petitioner deserves any further reduction in the sentence as awarded to him. As already mentioned, he was held guilty and convicted for commission of offences punishable under Sections 354 and 452 of IPC by learned trial Court and was sentenced to undergo rigorous imprisonment for two years for each of such offences. The learned Lower Appellate Court modified the period of sentence and reduced the same to one year each. I do not find any extenuating or mitigating circumstance available on record justifying reduction of sentence lesser than what was awarded by learned Lower Appellate Court. The learned counsel for the petitioner has also not been able to assign any reasons, much less sufficient and adequate reasons available on record to impose any lesser sentence. As such, finding no merit, the petition is dismissed.

6. Miscellaneous application(s), if any, also stand disposed of.

05.01.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No