





Sher Singh is an employee of Electricity Board, whereas her mother-in-law, Harbans Kaur went to the Bara. On 03.07.2005, at about 9.30 p.m. she along with her husband Inderjit Singh and children were sitting in the courtyard of the house. In the meantime, petitioners, Shingara Singh and Varinder Singh entered their house by forcibly open the gate. At that time, both the petitioners were raising lalkaras and started scuffling with the complainant and her husband as a result of which the bangles worn by the complainant got broken. When husband of complainant came forwarded to rescue her, then the petitioners gave him pushes and fist blows. On raising alarm one Billa son of Surinder Singh came there upon which the petitioners fled away from the spot.

3. After completion of investigation, the trial Court found that a *prima facie* case under Sections 452, 354, 506 of IPC was made out against the petitioners and they were charge-sheeted, accordingly. However, they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 Baljit Kaur, complainant and PW-2 Inderjit Singh and thereafter, the evidence of prosecution was closed by order.

5. After closure of the evidence of prosecution, the statements of the petitioners under Section 313 Cr.P.C. were recorded and they pleaded that they were falsely involved in the present case and were innocent. The petitioners chose not to lead any defence evidence.

6. At the very outset, learned counsel for the petitioners submits that he does not wish to challenge the judgments of conviction, however, some leniency may be shown towards them, while awarding the sentence to them.



Even though, the petitioners have not challenged the judgments of conviction, still, this Court has examined the case on merits.

7. Learned State counsel contended that the petitioners do not deserve any concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution had examined PW-1, Baljit Kaur, complainant, who supported the case of the prosecution. Even, PW-2, Inderjit Singh had supported the statement of PW-1. Even, the copy of the complaint was exhibited as Ex.PW1/A, whereas seizure memo of broken bangles was exhibited as Ex.PW1/B. Thus, there was sufficient evidence to show that the petitioners had forcibly entered into the house of the complainant after pushing the gate and they had succeeded in alluring and enticing away the daughter of their relative. Even they started dragging the complainant and in that process, bangles of the complainant had broken. Even, they have beaten up her husband and on raising the alarm, Billa, a witness reached at the spot and saved them from the clutches of the petitioners. Thus, the petitioners have been rightly convicted for commission of the offences punishable under Sections 452, 506 of IPC.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioners are facing the agony of trial/appeal/revision since 03.07.2005 i.e. for the last more than 20 years. Moreover, both the petitioners have already undergone more than 03 months and 17 days of actual sentence, out of total sentence of 09 months. Further, the



sentence imposed on the petitioners was suspended by this Court on 08.08.2011 and in the last more than 15 years, the petitioners have maintained good conduct. Thus, keeping in view the mitigating circumstances, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioners. The sentence imposed on the petitioners is reduced to the period already undergone by them. However, the amount of fine imposed on them shall remain same.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them and the amount of fine imposed on them shall remain same.

12. Pending applications, if any, stand disposed of, accordingly.

25.03.2026

hemlata

(N.S.SHEKHAWAT)
JUDGE

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