



227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-4140-2014 (O&M)
Date of Decision: 17.03.2026

Pawan Kumar ...Petitioner

vs.

Latesh Kumar and another ...Respondents

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment of conviction and order of sentence dated 28.11.2014 passed by the Court of Additional Sessions Judge, Narnaul, whereby the petitioner was convicted for commission of the offences punishable under Sections 292, 323, 509 and 506 of IPC and was sentenced as under:-

Under Section 292 of IPC	SI for six months
Under Section 323 of IPC	SI for six months
Under Section 509 of IPC	SI for six months
Under Section 506 of IPC	RI for six months

2. The brief facts of the present case are that Ramesh Chand son of Ghisa Ram r/o village Adalpur (hereinafter called as complainant), moved an application before the police, allegedly, that Pawan Kumar son of Satyapal r/o Adalpur (hereinafter called in short as accused) used to write obscene letter and also used to talk in obscene language on telephone No. 230910 to Munesh Devi



wife of Latesh, his daughter-in-law (hereinafter called as prosecutrix). On 15.8.2006 a letter written by accused received in the name of prosecutrix, in which obscene words were written, on 20.10.2006 received in the name of his son Latesh (hereinafter called as appellant), in which also dirty language was used. On 21.10.2006, his daughter-in-law was going to bring fire-wood from their plot, accused stopped the prosecutrix in the way and started to do obscene act/ indication and asked " spend one night with him, she would enjoy". Prosecutrix felt ashamed and returned to her house, who disclosed the occurrence to appellant, on 28.10.2006, appellant was reproaching accused regarding occurrence, at this, accused and his family members have beaten his son and threatened that he will continue to write letters and talk on telephone, if tried, to intervene, will finish his life and lives of his family members, he will spoil the decency of the women folk of his family, prayed for prompt action. On its basis, a formal FIR has been lodged. After completion of investigation, challan was laid before the court of Illaqa Magistrate, for initiation of trial.

3. The trial Court found that a *prima facie* case under Sections 292, 323, 509, 506 of IPC was made out against the present petitioner and he was charge-sheeted, accordingly. He pleaded not guilty and claimed trial.

4. In support of the prosecution evidence, the prosecution has examined eight witnesses, namely, ASI Ram Pratap as PW-1, complainant Ramesh Kumar as PW-2, Constable Zile Singh as PW-3, Latesh Kumar as PW-4, Munesh as PW-5, retired SI Ram Singh as PW-6, HC Anil Kumar as PW-7 and SI Prabhu Dayal as PW-8 and thereafter, the evidence of the prosecution was closed.



5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating circumstances appearing against him, during the course of investigation.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction passed against the petitioner by the Court, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. Learned State counsel contended that the petitioner does 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 complainant Latesh Kumar had appeared as PW-4 and had supported the case of the prosecution. Even the prosecution examined PW2, Ramesh Kumar, who also supported the testimony of PW-4, Latesh Kumar. Still further, PW-5, Munesh stated that on 28.10.2006, her husband, father-in-law had gone to the accused. In fact, prior to this also on 21.10.2006, the petitioner had intercepted the prosecutrix/PW5 on the way and he had done obscene acts with her. Consequently, on 28.10.2006, when they had gone to the petitioner, the petitioner and his companions did not apologize, rather they had beaten up Latesh, her husband. Still further, the evidence led by the prosecution was sufficient to hold that the petitioner had committed the offence under Sections 292, 323, 506, 509 IPC. Even otherwise, I have gone



through the findings recorded by the trial Court and find that there is no illegality, irregularity and perversity in the impugned judgment and the petitioner was rightly convicted for the commission of offence punishable under Sections 292, 323, 506, 509 IPC.

10. Now, adverting to the order of sentence, this Court is conscious of the fact that the petitioner is facing agony of trial/appeal/revision, since 03.11.2006 i.e. for the last more than 19 years. Even he has already undergone about 05 days of actual sentence, out of total sentence of 06 months. His sentence was suspended by this Court on 22.12.2014 and in the last more than 11 years, he had maintained good conduct and was not involved in any other crime. Moreover, he is sole bread winner of the family and his family is dependent on him. Thus, keeping in view of aforesaid mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

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

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

(N.S.SHEKHAWAT)
JUDGE

17.03.2026
hemlata

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