

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Revn. No.1091 of 2012 (O&M)
Date of decision : 29.05.2012**

Ajmer

.....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Amit Kumar, DAG, Haryana

RITU BAHRI , J. (Oral)

Challenge is to the judgment dated 28.03.2012 passed by the learned Sessions Judge Kurukshetra whereby he upheld the judgment/order dated 20.01.2010 passed by the Addl. Chief Judicial Magistrate, Kurukshetra.

Petitioner was convicted and sentenced vide order dated 20.01.2010 as under:-

	Period of Sentence
377 read with Section 511 IPC	Two years and fine of Rs. 700/-
506 IPC	One year and to pay a fine of Rs. 300/-

Aggrieved by the above said order, the petitioner preferred an appeal and the same was dismissed by the

learned Sessions Judge Kurukshetra, vide order dated 28.03.2012. Hence, the present revision petition.

Brief facts of the case are that on 20.05.2001, the present case was registered against the petitioner on the statement of the complainant Baru Ram levelling allegation against Balbira and Ajmer that under the influence of liquor, they picked his grandson Akash and took him in a kotha meant for cattle belonging to Dayal Singh. Accused attempted to commit carnal intercourse against the order of nature with Akash. Akash started weeping loudly. On hearing noise, Sukhbir and Ved Pal reached the kotha of Dayal Singh and rescued the child from the clutches of accused Balbira and got Akash admitted in Government Hospital, Kirmach where he was medico-legally examined. Thereafter, F.I.R was registered against the petitioner. Accused was arrested and on completion of usual formalities of investigation, challan was put in the Court.

Copies of challan and other documents were supplied to the accused, free of costs as per Section 207 Cr.P.C. Thereafter, accused was served with a charge sheet under Sections 377 read with Section 511 and 506 IPC to which they pleaded not guilty and claimed a trial. During the course of the trial, accused Balbira expired and thus proceedings against him were dropped.

Accused/petitioner was examined under Section 313 Cr.P.C and entire incriminating evidence appearing against him was put to him, who denied the same and pleaded his false implication.

Learned counsel for the petitioner does not challenge the order of conviction but prays that the sentence qua imprisonment of the petitioners be reduced to the period already undergone by him as as he is facing trial for the last 11 years.

The judgment passed by both the Courts below do not require any interference and they are upheld. However, a lenient view is taken on the quantum of sentence of the petitioner.

As per custody certificate dated 29.05.2012 filed by learned State counsel, the petitioner has undergone almost 02 months and 22 days out of the substantial sentence of 03 years awarded to him.

Keeping in view of the fact that the petitioner has suffered the agony of protracted trial for almost 11 years since the date of registration of the F.I.R. On 20.05.2001. It is a fit case where the sentence qua imprisonment is liable to be reduced to the period already undergone by the petitioner.

Resultantly, the conviction of the petitioner under

Sections 377 read with Section 511 IPC and 506 IPC is upheld but the sentence of the imprisonment awarded to him is reduced to the period already undergone.

With the above modification/direction, the present petition stands disposed of.

(RITU BAHRI)
JUDGE

May 29, 2012

G.Arora