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**CRM No. 1391 of 2016 &  
CRM No. 34217 of 2015 in/&  
CRR No. 3949 of 2015 (O&M)**

Hari Chand  
vs.  
State of Punjab

Present : Mr. Inderjit Sharma, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

Mr. Manu Loona, Advocate for the complainant.

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Petitioner has impugned order of conviction and sentence by the courts below for offences under sections 148, 298, 323, 324, 342, 354, 355 & 357 IPC.

Learned counsel for the petitioner contends that trial court erred in returning a finding of conviction and sentencing the accused for various offences, maximum imprisonment being one year. According to him, on an appeal filed by accused, appellate court enhanced the sentence to four years. According to him, same is not permissible in law in absence of appeal by the victim.

Heard.

Instant FIR was lodged on complaint of Ashok Singh. It was alleged that accused had cut hair of Kartar Kaur with scissor, blackened her face with burnt oil, stripped her naked and paraded on a 'Rehri' in village. Her husband was also assaulted and certain injuries were caused. No villager came forward to rescue parents of the complainant. After FIR was lodged, investigation ensued and challan was presented before the trial court. On appreciation of evidence, it came to the conclusion that accused was guilty of the offences alleged. Aggrieved, they filed appeal before the appellate court. Complainant who was son of the Kartar Kaur and Khushal Singh also preferred revision petition for enhancement of sentence. The court while dismissing the appeal filed by the accused accepted the revision petition and enhanced the sentence to four years on the ground that heinous crime has been committed. All

the accused had acted in connivance to outrage the modesty of a woman. In the facts and circumstances of the case I do not find any ground to suspend the sentence awarded to the petitioner who is stated to be in custody for about seven months. Mere long incarceration cannot be a ground to suspend the sentence. Appellate court accepted the revision petition preferred by Ashok Singh, son of the victim and enhanced the sentence. Plea that the appellate court could not have done so can be examined at the final hearing of the revision petition though prima facie it appears that wide powers are conferred on the Sessions court by virtue of section 397 Cr.P.C. In view of serious nature of allegations of outraging the modesty of woman in full public view, prayer for suspension of sentence is hereby rejected. However, matter needs consideration.

Heard.

Admitted.

May 03, 2016

*Ajay*

(RAJAN GUPTA)  
JUDGE