

In the High Court of Punjab and Haryana at Chandigarh

Criminal Appeal-S-1869-SB of 2003
Date of decision: 11.2.2015

Rajan

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. P.S.Batta, Advocate
for the appellant.

Mr. Deep Singh, AAG, Punjab.

SABINA, J.

Appellant along with his other co-accused had faced the trial qua commission of offence punishable under Section 399/402 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 65 dated 29.1.2001, registered at Police Station Kotwali, Patiala. Trial Court vide judgment/order dated 26.8.2003/27.8.2003 ordered the conviction and sentence of the appellant and his co-accused Sushil Kumar under Section 402 IPC. The other co-accused of the appellant were ordered to be acquitted. Hence, the present appeal by the appellant.

During the course of arguments, learned counsel for the appellant has not challenged the conviction of the appellant under Section 402 IPC but has submitted that sentence qua imprisonment of the appellant be reduced to the period already undergone by him. Appellant has undergone one year and more than three months of actual sentence.

While referring to the custody certificate placed on

record by the learned State counsel, learned counsel for the appellant has submitted that with regard to the cases mentioned at serial Nos. 2, 3, 6 and 7, appellant has been acquitted of the charges framed against him. So far as the cases mentioned at serial Nos. 4 and 5 are concerned, appellant was not named as an accused in the said cases. So far as the case mentioned at serial No. 1 is concerned, appellant was sentenced to rigorous imprisonment for two months as the case involved theft of two tyres. Appellant is the only bread earner of the family. Appellant has not misused the concession of bail allowed to him by this Court.

Keeping in view the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the appellant to the period already undergone by him.

Accordingly, conviction of the appellant under Section 402 IPC is maintained. However, sentence qua imprisonment of the appellant is reduced to the period already undergone by him.

Appeal stands disposed of accordingly.

**(SABINA)
JUDGE**

February 11, 2015

Gurpreet