

CRR-2026-2004

[1]

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

**CRR-2026-2004 (O&M)
Date of decision: 02.09.2015**

Sanjay @ Ashok Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.P.S. Sandhu, Advocate,
for the petitioner (Legal aid counsel).

Ms. Gaganpreet, Kaur, AAG, Haryana.

SABINA, J

Petitioner had faced trial in FIR No.29, dated 03.04.2003, under Sections 411 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Jhansa.

Trial Court vide judgment/order dated 22.03.2004/24.03.2004 ordered the conviction and sentence of the petitioner qua commission of offence punishable under Section 411 IPC. The said conviction and sentence of the petitioner were upheld by the Appellate Court in Appeal vide order dated 31.08.2004.

I have heard learned counsel for the petitioner and the learned State counsel and have gone through the record carefully.

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[2]

Prosecution story, in brief, is that on 03.04.2003, Assistant Sub Inspector Sukhdev Singh received secret information that stolen car bearing No.DL-4CD-1381 was being sold by the petitioner and his co-accused, Raj Kishore and in case a raid was conducted, they could be apprehended. On the basis of said information, petitioner and his co-accused were apprehended and were arrested. Petitioner and his co-accused could not produce any document of ownership qua car bearing No.DL-4CD-1381.

During trial, prosecution witnesses duly supported the prosecution case. Hence, the Courts below rightly ordered the conviction of the petitioner under Section 411, IPC.

Petitioner was sentenced to undergo rigorous imprisonment for one year by the trial Court. A perusal of the order passed by the trial Court dated 24.03.2004 reveals that the petitioner had remained in custody from 04.04.2003 up to 26.09.2003 during trial. As per the custody certificate placed on record, petitioner had further remained in custody for two months and twenty one days w.e.f 07.08.2004 to 27.10.2004. Thus, the petitioner has undergone more than eight months of actual sentence.

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 petitioner to the period already undergone by him.

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Accordingly, conviction of the petitioner under Section 411, IPC is maintained. However, sentence qua imprisonment of the petitioner be reduced to the period already undergone by him.

Petition stands disposed of, accordingly.

September 02, 2015
kapil

(SABINA)
JUDGE