

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

CRR-119-2007

Date of decision : 02.09.2015

Gurdev Singh

...Appellant

Versus

State of Punjab

...Respondents

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Thiara, Advocate,
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab.

JITENDRA CHAUHAN, J.

This revision petition assails the judgment dated 10.04.2006, passed by the learned Additional Sessions Judge, Faridkot, whereby the appeal preferred by the petitioner against judgment of conviction and order of sentence dated 11.08.2005, passed by the Judicial Magistrate, 1st Class, Faridkot, has been dismissed. The petitioner was convicted by the trial Court under Section 182 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of 05 months and to pay a fine of Rs.200/-, with default clause.

After arguing for some time, the learned counsel for the petitioner states that he does not challenge the judgment of conviction on merits. However, he prays that a lenient view may be taken in the matter of sentence.

From the perusal of the record, it is made out that the instant case was registered in the year 1995. Thus, the petitioner is facing the agony of protracted trial for last more than two decades. The petitioner has already undergone about 2 ½ months out of the substantive sentence of 05 months.

The learned counsel appearing for the State opposes the prayer and states that no leniency should be shown to the petitioner.

I have heard the learned counsel for the parties and have gone through the record with their able assistance.

In this case, the duly sworn affidavit of the petitioner appended with the appeal shows that he is unable to walk and on coming out of the jail, he has preferred this appeal. This case is 20 years old. He has undergone substantive part of sentence.

For the aforesaid reasons, I am of the considered view that the sentence/imprisonment already undergone by the petitioner will meet the ends of justice.

Consequently, the judgment of conviction recorded against the petitioner, as mentioned above, is maintained. However, the order of sentence of rigorous imprisonment is

modified and reduced to one already undergone by him. The sentence of fine awarded to the petitioner is, however, enhanced to Rs.5,000/-, over and above the fine already imposed by the learned trial Court. He shall deposit this amount before the Chief Judicial Magistrate, Faridkot, within a period of four months from the date of receipt of a certified copy of this order.

In case, the petitioner fails to comply with the direction of depositing the amount of fine in the Court of learned CJM, Faridkot, within period stipulated above, this revision petition shall be deemed to have been dismissed.

With the above modification in the order of conviction, the present petition stands dismissed.

September 02, 2015
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(JITENDRA CHAUHAN)
JUDGE