

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.**

Crl. Revision No.1656 of 2006 (O&M)
Date of decision: 23.9.2015

Krishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: None for the petitioner.
Mr. Gaurav Dhir, DAG, Haryana.

Rajan Gupta, J. (oral)

Petitioner Krishan had been convicted by the Chief Judicial Magistrate, Bhiwani under section 451 IPC and was sentenced to undergo RI for one year.

The petitioner preferred appeal against the judgment of his conviction/sentence, which was dismissed by the Additional Sessions Judge (Fast Track Court), Bhiwani, vide judgment 11.7.2006.

Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant Criminal Revision.

Petitioner remains unrepresented. Similar was the situation on the last date of hearing.

Briefly, the prosecution case runs thus:

On 31.8.2002, Head Constable Attar Singh alongwith his

police party was present near Railway Crossing Tosham Road, Bhiwani for patrolling duty, where complainant Mange Ram presented an application to him wherein it was alleged that on the previous night i.e. on 30.8.2002 at about 11.30 P.M., a young boy trespassed into his house with intention to commit theft by scaling over the wall. His wife Rewati woke up and raised alarm and switched on the electric bulb. She had seen that the boy opened the door and fled away. It is further alleged that they recognized the boy as Krishan son of Wazir Singh. On the next day, he alongwith his son Rajpal asked the petitioner in this regard, on which he threatened Rajpal to see in future. On this complaint, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Section 451 IPC, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as four witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. He, however, did not produce any evidence in his defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge under section 451 IPC and sentenced him as already indicated above. The appeal filed against the

said judgment was also dismissed by the Additional Sessions Judge (Fast Track Court), Bhiwani, vide order dated 11.7.2006.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

It has been pleaded by the petitioner in the present revision petition that petitioner is a poor man and sole bread earner of the family.

It is well settled that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated. However, stand of the State is that in case this court intends to maintain the conviction of the petitioner and reduce the quantum of sentence to that already undergone, State would have no reason to stand in the way of such orders. Thus, keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. However, fine imposed shall remain intact.

Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

(RAJAN GUPTA)
JUDGE

23.9.2015
'Rajpal'