

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Revision No. 2344 of 2006

Date of Decision: 26.08.2015

Ranjit alias Mithwa and Another

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Ajay Tewari

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. J.P.Dhull, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Ajay Tewari, J.

This revision petition has been filed against the concurrent conviction of the petitioners under Section 411 IPC in case FIR No. 300 dated 24.9.1994, registered at Police Station City, Kaithal. The sentence awarded was two years rigorous imprisonment and a fine of ₹ 500/- each.

The brief facts of the case are that on 24.9.1994, Raj Pal Sharma lodged the complaint that he had gone to the Court for some work; he parked his motorcycle outside the Court premises and when

he came out, his motorcycle was missing. On 4.10.1994, while Sub Inspector Banarsi Singh was on naka duty, he saw that the missing motorcycle was coming from the side of Kaithal. The petitioners were tried and convicted for possession thereof.

Learned counsel for the petitioners has argued that there was no independent witness to the recovery. Both the Courts below have considered this point and have concluded that it is not an inflexible rule of law that the testimony of police officers can never be accepted without corroboration by independent witness, but it has to be considered as any other testimony; if it is cogent and there is no animus shown against the police officer, the same cannot be discarded only on the ground that there was no independent witness.

The second argument of the learned counsel for the petitioners is that the alleged motorcycle was never produced before the trial Court. This fact has also been considered by both the Courts below who held that the non-production of the motorcycle was not a material error. In the circumstances of the case, I feel no reason to take a different view and consequently reject the revision petition against the conviction. The subsequent argument of the learned counsel for the petitioners is that this FIR is of the year 1994 and the petitioners have faced the ordeal of these proceedings for 21 years. In these circumstances, their sentence be reduced to that already undergone.

Learned Assistant Advocate General has argued that the offence proved against the petitioners is a serious offence and there is no scope for any reduction.

Having considered all the facts, I am of the considered view that it would be appropriate to reduce the sentence of the petitioners to six months. Let the petitioners be arrested to serve out the remaining period of sentence.

Petition stands disposed of in above terms.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(Ajay Tewari)
Judge

August 26, 2015
"DK"