

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 2339 of 2007

Date of Decision: 12.08.2015

Beant Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the digest?

Present: Mr. Arshdeep Singh Sivia, Advocate  
for the petitioners

Mr. K.S. Aulakh, AAG Punjab

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**ANITA CHAUDHRY, J.**

Custody certificate has been filed in Court today and the same is taken on record.

Learned counsel for the petitioners at the outset urges that he restricts his prayer to the quantum of sentence.

Both the petitioners were convicted and sentenced to undergo rigorous imprisonment for a period of 1 year and to pay fine of ₹ 500/- under Section 411 IPC.

Punjab State Electricity Board had lodged a complaint with the police that some angle irons and some conductors and other materials had been stolen. The police party intercepted two persons who were coming with the material on a rickshaw on

08.04.2005. Both the persons tried to run but were apprehended. The rickshaw was carrying three bags which contained electricity wires alongwith silver connect connectors weighing three quintals. Accused were formally arrested and charge-sheet was laid under Section 411 IPC to which they pleaded not guilty. The prosecution examined four witnesses. The accused pleaded false implication and examined two witnesses.

The trial Court considered the evidence and recorded conviction and sentenced them to the imprisonment mentioned herein above. The appeal filed by the accused was dismissed.

Recovery had been effected from the petitioners. The accused was unable to give any evidence with respect to their ownership, therefore, the finding is affirmed.

Learned counsel for the petitioners urges that petitioners had undergone 3 months and 14 days of custody and the matter relates to 2005 and the petitioners have faced a protracted trial and they were settled in life and no other case has been registered and they may be given chance and released on probation and it was their first offence.

It is the case of theft of Government property. The accused were found to be in possession and were unable to justify their possession. However, the accused have faced protracted trial. Considering the matter in entirety, I am not inclined to grant probation, however, taking a lenient view, the sentence is modified to already undergone. There would be no modification with regard to fine. If the fine is not deposited, it would be deposited within two

months. Copy of the order be sent to the concerned CJM.

The revision petition is dismissed.

August 12, 2015

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(ANITA CHAUDHRY)  
JUDGE