

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

CRR No.1017 of 2015 (O&M)

Date of Decision : 03.07.2015

Aalim

..... Petitioner.

Versus

State of Haryana

..... Respondent

**CORAM : HON'BLE Mr. JUSTICE R.P.NAGRATH**

- 1. *Whether Reporters of the 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. S.S.Kainth, Advocate  
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana  
for the State.

\*\*\*\*

**R.P. NAGRATH, J.**

The instant revision is filed against the conviction of the petitioner.

The petitioner faced trial of the charge under Section 379 Indian Penal Code (IPC). On analysis of the evidence learned trial Court found the charge proved against petitioner under Section 411 IPC. The petitioner was awarded sentence to undergo Rigorous Imprisonment for two years and to pay a fine of ₹ 200/-, in default of payment of fine, to further undergo Rigorous Imprisonment for two months by the learned trial Court. Appeal against the judgment of

conviction was filed beyond the period of limitation. The learned Appellate Court dismissed the appeal on the ground of delay by rejecting the application seeking condonation of 5 months and 22 days' of delay in filing the appeal.

When the matter was listed on 19.05.2015, learned counsel for the petitioner did not challenge the merits of conviction and confined his arguments only qua the quantum of sentence. This was obviously because the finding of Appellate Court on application for condonation of delay could not be faulted with. Even the trial Court judgment has been carefully perused and the finding of conviction is based on proper analysis of evidence.

I have heard learned counsel for the petitioner and learned State counsel on the quantum of sentence and also the records with their able assistance.

As per custody certificate dated 25.05.2015, petitioner has already undergone about 7 months' imprisonment and the entire period is post-conviction period. As per the custody certificate, there is no other FIR in which he is involved. He was about 19/20 years old at the time of incident.

Looking into facts and circumstances of the case I am of the view that the period of sentence deserves to be suitably reduced.

In view of the above, the instant revision is dismissed on merits but partly allowed reducing the sentence awarded to the petitioner from 2 years Rigorous Imprisonment under Section 411 IPC to 8 months Rigorous Imprisonment or the period already

undergone, whichever is higher maintaining the imposition of fine and default clause.

03.07.2015  
sk

**(R.P. Nagrath)**  
**Judge**