

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-1029-2015 (O&M)

Date of decision: 23.04.2015

Pritam Singh

..... 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. Jai Vir Yadav, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana.

R.P. NAGRATH, J.

Challenge in the instant revision is to the concurrent findings recorded by the Courts below resulting in conviction of the petitioner under Sections 356 and 379 of the Indian Penal Code (IPC). The learned trial Court awarded him the sentence to undergo rigorous imprisonment for a period of 6 months under Section 356 IPC and to pay a fine of ₹ 100/-, in default to further undergo simple imprisonment for 7 days and similar sentence was awarded to the petitioner under Section 379 IPC. The learned Appellate Court also affirmed the sentence awarded by the trial Court.

2. The facts of the case, briefly stated, are that on 06.07.2009 complainant-Subhash Chand S/o Ram Narain had withdrawn an amount

of ₹ 13,000/- from State Bank of India towards the pension of his mother. He was going towards the bus stand for payment of ₹ 10,000/- to someone. In the meantime, a young person, namely; the petitioner came there and snatched the bag carrying ₹ 3000/-. The complainant raised an alarm and chased the petitioner. The petitioner was apprehended at some distance with the help of general public. The members of the public thrashed the petitioner who was ultimately handed over to the police along with the cash amount of ₹ 3000/-.

3. The complainant as PW-2 testified the above story in the witness-box. He stated that packet of ₹ 10,000/- was kept by him separately and the amount of ₹ 3000/- was lying in the bag which he was carrying. When he was making payment of fare to the tempo owner that an unknown person snatched his bag and ran away. PW2 then chased the petitioner by shouting “*CHOR CHOR*” and the petitioner had fallen after some distance. The police officer who was present near bus stand gate, also reached there. PW-2 was supported by PW-4 Murti Devi his mother. This story was also corroborated by ASI Ajit Singh PW-1 before whom the petitioner and also the cash amount were produced.

4. The Courts below have properly analyzed the evidence for coming to the conclusion holding the petitioner guilty of the charges as aforesaid. When the matter was listed on 23.03.2015, learned counsel for the petitioner confined his argument only qua the quantum of sentence and did not challenge the conviction of petitioner on merits.

5. I have heard learned counsel for the petitioner, the State counsel and also perused the judgments of the Courts below.

6. From the facts of this case and evidence led would not have led conviction of the petitioner under Section 356 IPC. This section is attracted when a thief assaults or uses criminal force to any person in his attempt to commit theft of property. There was no allegation of criminal assault or causing injury to the complainant. Therefore, the conviction of petitioner under Section 379 IPC as concurrently recorded by both the Courts below is affirmed but the conviction of petitioner under Section 356 IPC deserves to be set aside.

7. Learned counsel for the petitioner submits that it would be sufficient to award the petitioner, the sentence which he has already undergone or to give him the benefit of probation.

8. Having given my thoughtful consideration to the above contention, I am of the view that incident of snatching at a public place has to be dealt with a deterrent punishment. If the same is not resorted to, it would have the tendency for the petitioner to either join some gang of dacoits/robbers or commit some heinous crime. This will also convey a wrong signal to the society. But keeping in view the fact that there is no other FIR against the petitioner as per custody certificate, the sentence of imprisonment deserves to be approximately reduced from 6 months rigorous imprisonment to 3 months rigorous imprisonment under Section 379 IPC and by increasing the amount of fine from ₹ 100/- to ₹ 200/- and in default thereof to further undergo rigorous imprisonment for 7 days instead to 7 days simple imprisonment as awarded by the trial Court.

9. In view of the aforesaid discussion, the instant revision is partly allowed, acquitting the petitioner of the charge under Section 356

IPC but maintaining his conviction for offence under Section 379 IPC.

The revision is also further allowed partly by reducing/modifying the sentence as indicated above.

April 23, 2015

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**(R.P. NAGRATH)
JUDGE**