

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.1476 of 2015 (O&M)
Date of Decision: 21.05.2015**

Joginder Singh alias Kala

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Harish Nain, Advocate for the petitioner.

Mr. P. S. Sullar, Additional Advocate General, Haryana.

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SURINDER GUPTA, J. (ORAL)

Heard.

The case bearing FIR No.157 dated 05.06.2012 under Section 379 of the Indian Penal Code was registered at Police Station City Narwana in the complaint of Raghbir Singh S/o Mal Singh R/o Ram Nagar, Narwana. The complainant-Raghbir Singh submitted in his complaint that on 05.06.2012, he had gone to State Bank of Patiala for withdrawing money. At that time, he was already having ₹80,000/- in the side pocket of his shirt. When he was standing in the queue, some unknown person had stolen the aforesaid ₹80,000/- from his pocket and when he tried to catch him, he fled away. Later on, he came to know that said person was Joginder Singh alias Kala S/o Jagal Singh R/o Village Sinsar (petitioner).

The petitioner was arrested and on his disclosure statement ₹80,000/- was recovered from his possession.

On presentation of the challan and completion of the trial, learned Sub-Divisional Judicial Magistrate, Narwana convicted him for offence punishable under Section 411 IPC and awarded him rigorous imprisonment for a period of one year and to pay fine of ₹2000/-. In appeal his substantive sentence was reduced from one year to 6 months.

Learned counsel for the petitioner has not challenged the conviction of the petitioner for offence under Section 411 IPC but has confined his submission for a lenient view qua the quantum of sentence awarded to the petitioner. He submits that the petitioner was not involved in any other case prior to the registration of this FIR or even afterwards. He has undergone more than four months of imprisonment including the remission, as such, has suffered for crime and has also faced agony of trial for about 3 years.

On perusal of the file, I find that petitioner was not a previous convict. He has undergone 4 months and 4 days of imprisonment including remission. Keeping in view these facts, the sentence awarded to the petitioner for offence under Section 411 IPC is reduced from one year to the period of imprisonment already undergone by him. However, the sentence of fine is kept intact, which the petitioner is stated to have already paid in the trial Court. Release of order of petitioner be issued.

The revision petition stands disposed of accordingly.

(SURINDER GUPTA)
JUDGE

May 21, 2015.
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