

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No.1528 of 2015

Date of Decision: May 29, 2015

Banti and anotherPetitioners

Versus

State of HaryanaRespondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.MS Rana, Advocate for the petitioners.

Mr.Satish Saini, Deputy Advocate General, Haryana.

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TEJINDER SINGH DHINDSA, J.

The instant revision petition is directed against the judgment dated 1.4.2015 passed by the learned Additional Sessions Judge, Karnal affirming the judgment of conviction dated 11.9.2014 and order of sentence dated 12.9.2014 of the Judicial Magistrate Ist Class, Karnal, whereby the petitioners-accused were convicted under Section 411 of the Indian Penal Code and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of ₹500/- each and in default of payment thereof, to further undergo simple imprisonment for a period of one month.

2. At the very outset, learned counsel appearing for the petitioners submits that he does not assail the judgment of conviction on merits and only prays for reduction of sentence.

3. In view of such limited prayer, this Court need not dilate on the facts of the case in detail. Suffice it to notice that the process of law was set in motion on the complaint of Gaje Singh relating to the theft of agricultural equipment i.e. 'Harrow' from his field on 13.2.2010. The value of the 'Harrow' was stated to be ₹16,500/- and complainant had stated that he had purchased the same from Agrico Company, Nilokheri.

4. Learned counsel for the petitioners has raised the following submissions for a lenient view to be taken as regards reduction of sentence:

- i) Incident relates back to the year 2010;
- ii) Petitioners have faced the agony of criminal proceedings spreading over a period of almost five years;
- iii) The petitioners are not previous convicts and are not involved in any other criminal proceedings; lastly
- iv) Petitioners are stated to be poor persons and the sole bread earners of their families.

5. As per custody certificates furnished by the learned State counsel, petitioner No.1 – Banti son of Sohan Singh has undergone an actual sentence of two months and 12 days as on 24.5.2015 and petitioner No.2 – Krishan son of Om Parkash has undergone actual sentence of two months and 14 days as on 27.5.2015. Still further, as per custody certificates, the petitioners are not involved in any other criminal proceedings.

6. In the considered view of this Court, grounds raised by the learned counsel would be taken as sufficient mitigating circumstances to reduce the sentence of the petitioners.

7. Accordingly, while maintaining the conviction of the petitioners, the present revision petition is dismissed with the directions that the sentence of the petitioners is reduced to the period already undergone. The petitioners be released forthwith if they are not required in any other case subject to deposit of fine if not already paid.

8. With such modification in the matter of sentence, the revision petition stands disposed of.

May 29, 2015
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: Whether to be referred to Reporter? (Yes/No)