

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No.1985 of 2015(O&M)

Date of Decision: August 06, 2015

Chhinder Kaur and othersPetitioners

Versus

State of PunjabRespondent

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

Present: Mr.Jashandeep Singh Sandhu, Advocate for the
petitioners.

Mr.Nikhil K.Chopra, Deputy Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J.

The present revision petition is directed against the judgment dated 16.4.2015 passed by the learned Additional Sessions Judge (Fast Track Court), Bathinda dismissing the appeal preferred by the petitioners/accused against the judgment of conviction and order of sentence dated 5.2.2014 rendered by the Judicial Magistrate Ist Class, Talwandi Sabo vide which the petitioners were convicted for offences under Sections 353/186/379/332/34 of the Indian Penal Code and sentenced as under:

<u>Under Sections</u>	<u>Sentence</u>
353/34 of the Indian Penal Code	Rigorous imprisonment for a period of one year each and to pay fine of ₹500/- each. In default of payment of fine to further undergo simple imprisonment for a period of ten days each.
186/34 of the Indian Penal Code	Rigorous imprisonment for a period of three months each
379/34 of the Indian Penal Code	Rigorous imprisonment for a period of one year each
332/34 of the Indian Penal Code	Rigorous imprisonment for a period of one year each.

The sentences were directed to run concurrently.

2. Learned counsel appearing for the petitioners, at the very outset, submits that he is not assailing the judgment of conviction on merit and only prays for reduction of sentence.

3. As per custody certificates produced by the learned State counsel, the petitioners herein have already undergone a custody period of in excess of four months as of date.

4. Suffice it to notice that prosecution was initiated against the petitioners on the allegations that Surjit Singh, Malkit Singh, Mohinder Singh etc. from the office of Electricity Board were sent to village Ghuman Kalan to prevent the theft of electricity. Specific allegation was that when the aforenoticed persons went to the house of Baljinder Singh, they found that theft of electricity was being committed and as such, employees of the Electricity Board covered the naked wire to prevent the theft of electricity. Thereupon, all the three accused/present petitioners are stated to have abused and assaulted all officials of the Electricity Board.

5. This Court is of the considered view that there are

sufficient mitigating circumstances to accept the submission made by the learned counsel for the petitioners for reduction of sentence. The petitioners are stated to be poor persons and are agriculturists. They have already faced the pangs of trial and subsequently in appeal for the last about four years. As per custody certificate, the petitioners are not involved in any other case and as such, are first time offenders.

6. Accordingly, the order of conviction passed against the petitioners is affirmed and sentence of rigorous imprisonment is reduced to the period of imprisonment already undergone.

7. 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.

August 06, 2015
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

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