

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

Crl. Revision No. 2076 of 2015 (O&M)

Date of Decision: 24.08.2015

Ashok Kumar

.. Petitioner

Vs.

State of Punjab

.. Respondent

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.**

Mr. Deep Singh, AAG Punjab.

ANITA CHAUDHRY, J.

The petitioner was tried by the learned Judicial Magistrate Ist Class, Batala in FIR No. 93 dated 06.10.2007, registered at Police Station Rangar Nangal under Section 382 IPC on the allegations that on 06.10.2007 he along with his co-accused Vikrant snatched Rs. 14500/- from the complainant Swaran Singh by putting him under the fear of death.

Proceedings against Vikrant were abated as he died during trial.

The prosecution produced three witnesses at the trial.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record, vide judgment and order dated 03.06.2013 convicted him under Section 382 IPC and sentenced him to undergo rigorous imprisonment of three years and to pay a fine of Rs.1000/-. In default of payment of fine, further rigorous imprisonment for one month was awarded.

The appeal preferred by the accused was dismissed on 16.04.2015. Hence, this revision petition.

On 29.06.2015 when this revision petition came up for hearing, notice was issued on the limited question of quantum of sentence.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the occurrence is of the year 2007 and the petitioner has undergone the agony of a protracted trial and thereafter his appeal remained pending and all this exercise took about eight years. It was urged that the petitioner was 61 years old and was suffering from tuberculosis. He further submits that the petitioner is in custody for the last more than seven months and he is the only bread earner of his family. He further submits that the petitioner is the first offender. He further submits that it was Vikrant who showed

the weapon to the complainant and not the petitioner and prayed for a lenient view in the matter of sentence.

The learned State counsel had urged that considering the offence, no leniency should be shown.

Undisputedly, the occurrence pertains to the year 2007. The petitioner has suffered agony of trial. The main accused has died. The petitioner is 61 years old and has a family to maintain. Custody certificate shows that he is not involved in any other case.

For the reasons above, the conviction of the petitioner is maintained. However, keeping the circumstances into view, the sentence awarded to the petitioner is reduced to the period of one year under Section 382 IPC. Sentence of fine is maintained.

With the above modification, the instant revision petition stands disposed of.

August 24, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE