

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revn.No.2227 of 2014

Date of Decision: April 20, 2015

Vijay Pal Singh @ Vijay

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr.Sachin Sharma, Advocate
for the petitioner.

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

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TEJINDER SINGH DHINDSA, J.

The instant revision petition is directed against the judgment dated 18.3.2014 passed by the learned Additional Sessions Judge, Amritsar affirming the judgment of conviction and order of sentence dated 17.7.2012 of the Judicial Magistrate Ist Class, Amritsar, whereby the petitioner was convicted under Section 394 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of two years and six months and to pay a fine of ₹1,000/- and in default of payment thereof, to further undergo rigorous imprisonment for a period of two months and 15 days.

2. At the very outset, learned counsel for the petitioner submits that the petitioner does not assail the judgment of

conviction 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 Sandeep Singh @ Sunny relating to an occurrence that took place on 13.1.2008 when he was stated to be passing through a street and was accosted by the present petitioner who forcibly stopped him and demanded to hand over everything which he had in his pocket. Complainant Sandeep having refused to oblige, present petitioner is stated to have taken a kirpan from the fold of the right side of his trouser and given a blow on the right leg of the complainant and thereafter forcibly took out a wallet from the back pocket of trouser of the complainant and ran away from the spot.

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

- i) The incident relates back to the year 2008;
- ii) The petitioner has faced the agony of protracted criminal proceedings spreading over a period of almost seven years;
- iii) The petitioner being not a previous convict and being not involved in any other criminal proceedings and lastly;
- iv) The sentence imposed upon the petitioner having been suspended in the light of order dated 27.11.2014 passed by this Court and having been enlarged on bail, such concession having not been misused.

5. As per custody certificate furnished by the learned

State counsel, the petitioner has already undergone an actual period of sentence of 11 months and 28 days upto 10.12.2014 i.e. the date this Court had directed suspension of sentence. Still further, as per custody certificate, the petitioner is not involved in any other criminal proceedings.

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

7. Accordingly, while maintaining the conviction of the petitioner, the present revision petition is dismissed with the directions that the sentence of the petitioner is reduced to the period already undergone.

8. Revision petition is disposed of in the aforesaid terms.

April 20, 2015
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

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