

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No.239 of 2015

Date of Decision: April 30, 2015

Gagandeep Singh @ Gaggu son of Lakhwinder Singh
.....Petitioner

Versus

State of PunjabRespondent

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

Present: Mr.GS Nahel, Advocate for the petitioner.

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

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TEJINDER SINGH DHINDSA, J.

The petitioner was convicted for offence under Sections 379 and 411 of the Indian Penal Code by the Court of Additional Chief Judicial Magistrate, Sangrur and was sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹500/-. Appeal having been preferred, the same has been partly accepted vide judgment dated 25.11.2014 passed by the learned Additional Sessions Judge, Sangrur in terms of which the petitioner has been acquitted of the charges framed under Section 379 of the Indian Penal Code, but his conviction under Section 411 of the Indian Penal Code has been upheld.

2. The instant revision petition is directed against the judgment dated 25.11.2014 passed by the learned Additional Sessions Judge, Sangrur.

3. Learned counsel for the petitioner, at the very outset,

submits that he is not assailing the judgment of conviction on merits and only prays for reduction of sentence.

4. As per custody certificate, the petitioner has already undergone a custody of 5 months and 28 days as on 29.4.2015 i.e. 24 days custody as undertrial and 5 months and 4 days post-conviction.

5. Suffice it to notice that prosecution was initiated on the complaint of one Major Singh with regard to theft of his tractor – trolly on 6.10.2010.

6. This Court is of the considered view that there are sufficient mitigating circumstances to accept the submission made by the learned counsel for the petitioner for reduction of sentence. Petitioner is a poor person. He has already faced the pangs of trial and subsequently in appeal for the last about five years. As per custody certificate, the petitioner is not involved in any other case and as such, he was a first time offender.

7. Accordingly, the order of conviction passed against the petitioner is affirmed and the sentence of rigorous imprisonment is reduced to the period of imprisonment already undergone. The petitioner be released forthwith if he is 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.

(TEJINDER SINGH DHINDSA)
JUDGE

April 30, 2015

SRM

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