

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2761-2015 (O&M)

Date of Decision: November 27, 2015

Navdeep Singh @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Challenge in this criminal revision petition is to the judgment dated 16.7.2015, passed by learned Additional Sessions Judge, Ambala, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offences punishable under Sections 356 and 379, IPC, recorded by learned Judicial Magistrate First Class, Ambala, was dismissed.

On 4.9.2015, when the present case came up for

preliminary hearing then at the very outset learned counsel for the petitioner submitted that in view of concurrent findings of both the Courts below he did not propose to challenge the conviction of the petitioner. He further submitted that there were fairly arguable points with regard to quantum of sentence and, as such, notice was issued to the limited purpose of consideration of the sentence to be awarded to the petitioner.

In compliance of the notice issued, learned counsel for the State has put in appearance.

Both the parties have been heard at length.

Learned counsel for the petitioner submitted that the alleged occurrence of snatching of gold chain of the informant had taken place more than eight years ago and since then the petitioner is facing the agony of trial, appeal and present criminal revision petition; the petitioner is neither required nor involved in any other case; the petitioner has already suffered jail sentence for approximately seven months, including remission granted to him; the fact that the petitioner has earned remission for one month during his confinement in the jail, would show that he is in process of improving himself; and that further incarceration of the petitioner would not be of any consequence.

Learned counsel for the State though initially opposed reduction of sentence in view of the allegation that he (petitioner) had snatched the gold chain of the informant, but after going through the affidavit of the Superintendent, Central Jail, Ambala, produced by him today in the Court, showing the period of incarceration suffered by the petitioner, which is taken on record, he fairly conceded that the petitioner had earned remission of jail sentence for one month, which would fairly spell out that he was in process of improving himself. The petitioner has suffered incarceration for seven months and five days as on 25.11.2015. He further fairly concedes that the petitioner is neither required nor involved in any other case.

Though learned counsel for the petitioner has proposed not to challenge the conviction of the petitioner, but to satisfy the conscience of this Court, the material available on record has been re-scanned.

In order to substantiate the allegations against the petitioner, the prosecution examined Baljit Singh as PW-1; Vijay Kalra as PW-2; Nitin Aggarwal as PW-3; Shashi Kalra as PW-4; Hanu Ram (wrongly numbered as PW-4); and EASI Rajinder Singh as PW-5.

The petitioner in his statement under Section 313, Cr.P.C., denied all the incriminating evidence appearing against him and pleaded innocence. No evidence in defence was led.

From the material available on record and going through the judgments passed by both the Courts below, this Court is also of the considered opinion that the conviction of the petitioner for the offences punishable under Sections 356 and 379, IPC, is well based and no interference of this Court is required. In view of the said fact, learned counsel for the petitioner has correctly opted not to challenge the conviction of the petitioner.

However, there appears to be substance in the prayer of learned counsel for the petitioner that he has already suffered agony of pendency of trial, appeal and the present petition; he is neither required nor involved in any other case; and that he has suffered incarceration for seven months and five days of jail imprisonment out of the maximum awarded simple imprisonment for one year. The substantive sentence of the petitioner under both the counts, i.e. for the offences punishable under Sections 356 and 379, IPC, is reduced to the period already undergone by him. However, the fine imposed and the

sentence in-default thereof is maintained.

With the above modification, the present criminal revision petition is partly allowed. The petitioner be set at liberty forthwith if not required in any other case.

(NARESH KUMAR SANGHI)
JUDGE

November 27, 2015
Pkapoor