

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2927 of 2015 (O&M)
Date of Decision: October 06, 2015

Ravi

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.N.K.Malhotra, Advocate
for the petitioner.

Mr.Brijesh Sharma and Mr.Arun Kumar, AAG Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ravi against State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 14.11.2014 passed by learned Judicial Magistrate Ist Class, Rohtak, vide which the petitioner and co-accused were convicted under Section 356 IPC and they were sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days and also challenging the judgment dated 05.06.2015 passed by learned Addl. Sessions Judge, Rohtak, vide which appeal filed by petitioner was dismissed.

The brief facts of the case are that a complaint was moved by Jai Singh, wherein he stated that on 31.08.2010, he along with his friend Shri Bhagwan was going on motorcycle from Sampla Bye-pass towards Sampla market. On the way, two persons/boys came on a motorcycle and they stopped their way and asked what they were having in the polythene. The complainant answered that there are some documents upon which two boys replied that there are illegal weapons and snatched the polythene for its checking. It is further stated by the complainant that boys stated that they are Nambardar of Lambi Gaal and they ran away with the polythene. It is alleged that there were some documents along with amount of ₹65,000/- in the polythene bag. On the basis of this complaint, FIR was registered and accused-petitioner and co-accused were arrested.

Learned JMJC, Rohtak, convicted the accused-petitioner and co-accused under Section 356 IPC and sentenced them as stated above. An appeal was filed by the accused-petitioner and co-accused and learned Addl. Sessions Judge, Rohtak, vide judgment dated 05.06.2015 dismissed the appeal.

Aggrieved from the above-said judgments and order, present revision petition has been filed by the accused-petitioner only.

At the time of issuance of notice of motion, learned counsel for the petitioner did not dispute the concurrent findings of Courts below and prayed for reduction of sentence and notice of motion was issued only on the quantum of sentence.

At the time of arguments, learned counsel for the petitioner

contended that the petitioner is a poor person and his father has already expired and he is only the bread earner of the family. He further contended that since 2010, the revision petitioner is suffering from long criminal trial. Therefore, he argued that lenient view may be taken.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case, the fact the present petitioner is only bread earner of the family and he is first offender and further the fact that petitioner was young man of 25 years at the time of conviction and further in view of the fact that the petitioner is suffering from long protracted criminal proceedings, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of ten months instead of two years. However, the sentence of fine and default sentence shall remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

October 06, 2015
Vgulati

(INDERJIT SINGH)
JUDGE