

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2930 of 2015(O&M)
Date of Decision: August 21, 2015

Nirmal Singh and another

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajiv Kumar Saini, Advocate
for the petitioners.

Mr.M.S.Sidhu, Addl. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners against the judgment of conviction 07.08.2012 and order of sentence dated 08.08.2012, passed by learned Addl. Chief Judicial Magistrate, Kurukshetra and also the judgment dated 23.07.2015 passed by learned Addl. Sessions Judge, Kurukshetra.

At the time of preliminary hearing, learned counsel for the petitioners did not dispute the concurrent findings of the Courts below regarding conviction and he contended only on the point of reduction of sentence and notice of motion was issued only qua quantum of sentence. Today again, learned counsel for the petitioners prayed for reduction of sentence.

I have heard learned counsel for the petitioners as well as

learned State counsel and have gone through the record.

From the perusal of the record, I find that learned Addl. Chief Judicial Magistrate, Kurukshetra, convicted the accused-petitioners under Sections 332/34, 353/34 and 506 IPC and sentenced them to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- under Section 332/34 IPC, simple imprisonment for a period of six months and to pay fine of ₹500/- under Section 353/34 IPC and further sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- under Section 506 IPC and in default of payment of fine, to undergo simple imprisonment for a period of six months each. An appeal was filed by the petitioners and learned Addl. Sessions Judge, Kurukshetra, while upholding the conviction, reduced the sentence awarded to the petitioners and they were sentenced to undergo rigorous imprisonment for a period of three months and to pay fine of ₹500/- under Section 332/34 IPC, simple imprisonment for a period of one month and to pay fine of ₹500/- under Section 353/34 IPC and further sentenced to undergo rigorous imprisonment for a period of one month and to pay fine of ₹500/- under Section 506/34 IPC and in default of payment of fine, to undergo simple imprisonment for a period of two months each.

Keeping in view the facts and circumstances of the present case, I find that maximum sentence of three months has been imposed by learned Addl. Sessions Judge, Kurukshetra under Section 332/34 IPC. The petitioners have already undergone sentence of one

month and one day and have earned 15 days' remission, which means that they have undergone one month and sixteen days out of the total sentence till today.

In view of the above discussion and in view of the fact that petitioners are first offenders and maximum sentence of three months has been imposed upon them, therefore, the present petition is partly allowed. The sentence imposed upon the petitioners is reduced to the sentence already undergone by them. Petitioners Nirmal Singh and Chalti Devi be set at liberty forthwith, if their custody is not required in connection with any other case, subject to payment of fine, if already not deposited.

August 21, 2015
Vgulati

(INDERJIT SINGH)
JUDGE