

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Revision No.2995 of 2015 (O&M)
Date of decision: 22.09.2015**

Dharampal @ Pali

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Amit Rana, Advocate
for the petitioner.

Mr. Vikas Malik, D.A.G., Haryana
for the respondent – State.

Daya Chaudhary, J.

Petitioner-Dharampal @ Pali faced trial in case FIR No.32 dated 16.01.2007 registered under Section 7/10/55 of the Essential Commodities Act, 1955 (hereinafter called as 'the Act') and was convicted for offence punishable under Section 7(2) of the Act vide judgment dated 04/06.08.2012 passed by the Additional Chief Judicial Magistrate, Fatehabad and was sentenced to undergo SI for a period of six months and to pay fine of ₹5000/- with default clause.

Aggrieved by the said judgment of conviction and order of sentence dated 04/06.08.2012, petitioner preferred an appeal before

the Additional Sessions Judge, Fatehabad but the same was dismissed on 10.08.2015 and judgment of conviction and order of sentence passed by the trial Court was upheld.

After losing the case before both the Courts below, the petitioner has filed the present revision petition to challenge the judgments passed by both the Courts below.

Although certain arguments were raised by learned counsel for the petitioner to challenge the judgment of conviction at the time of issuing notice of motion but ultimately when the Court was not inclined to interfere with the conviction, notice of motion was issued qua to quantum of sentence only.

Learned counsel for the petitioner submits that he will not press this revision petition to challenge the conviction in case, the sentence is reduced to the period already undergone as the petitioner is facing the agony of trial since the lodging of the FIR i.e., 16.01.2007. Learned counsel further submits that the petitioner being the only bread winner, has a large family to support. The petitioner is not a habitual offender and no other case of similar nature is pending against him. Learned counsel for the petitioner also submits that the petitioner has already undergone actual sentence of about 1½ months against total sentence of six months.

Custody certificate has been filed in the Court today and the same is taken on record.

Learned State counsel submits that he has no objection in

case, the sentence is reduced to the period already undergone subject to deposit of some amount as cost.

Heard arguments of learned counsel for the petitioner as well as of learned State counsel.

Admittedly, the petitioner faced trial in aforesaid FIR and was convicted by the trial Court for offence punishable under Section 7(2) of the Act and was sentenced to undergo SI for a period of six months and to pay fine of ₹5000/- with default clause. The judgment of conviction and order of sentence passed by the trial Court was upheld by the Appellate Court.

Keeping in view the limited prayer of the counsel for the petitioner that he does not want to contest the judgment of conviction in case, the sentence is reduced to the period already undergone; by considering the fact that the petitioner is facing criminal litigation since lodging of FIR i.e., 16.01.2007; he is not a habitual offender and no other case of similar nature is pending against him; he is the sole bread winner of his family; and he has undergone actual sentence of about 1½ months against total sentence of six months, the request of the petitioner is accepted and his conviction is upheld and sentence is reduced to the period already undergone by him subject to deposit of an amount of ₹20,000/- as cost with the trial Court/Duty Magistrate within a period of one month from the date of receipt of certified copy of this order.

In case, the petitioner fails to deposit the aforesaid amount

within the stipulated period, this revision petition shall be deemed to have been dismissed and the petitioner shall have to undergo the remaining period of sentence as per judgment passed by the trial Court.

The revision petition is disposed of with the said modification in sentence by upholding the judgment of conviction.

22.09.2015
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(DAYA CHAUDHARY)
JUDGE