

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.3514 of 2015 (O&M)

.....

Date of decision:28.9.2015

Rajesh

...Petitioner

v.

State of Haryana

Respondent

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sat Narain Yadav, Advocate for the petitioner.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. against the impugned judgment dated 27.7.2015 passed by learned Additional Sessions Judge, Rewari, vide which the appeal filed against the impugned judgment of conviction and the order of sentence dated 29.5.2014 passed by learned Judicial Magistrate Ist Class, Rewari, has been dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not contest the findings of the Courts below regarding conviction. He only argued on the point of reduction of sentence and notice of motion was only issued qua quantum of sentence.

Mr. Anmol Malik, learned Assistant Advocate General, Haryana

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has put in appearance on behalf of the respondent-State and contested this criminal revision petition.

I have heard learned counsel for the parties and have gone through the record.

As per the prosecution version, the revision petitioner-accused is stated to have committed theft of a gas cylinder from the temple and he has been convicted and sentenced for the offences under Sections 454 and 380 IPC to undergo rigorous imprisonment for six months each for both the offences and further to pay fine of ₹500/- each in both the offences. The petitioner has already undergone two months 23 days of imprisonment as per the custody certificate.

Keeping in view the facts and circumstances of the present case, the theft of a gas cylinder and the fact that no other previous conviction has been proved against the present revision petitioner, he being a poor person, only bread-earner of his family and is facing the trial for the last about three and half years, his sentence of imprisonment in these circumstances is reduced and he is sentenced to undergo rigorous imprisonment for three months each for both the sentences. The fine will remain the same.

With this modification in the sentence, the revision petition is partly allowed.

September 28, 2015.

(Inderjit Singh)
Judge

hsp