

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3616 of 2014 (O&M)
Date of Decision: 23.03.2015

Manjinder Singh and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. Vishal Aggarwal, Advocate
for the petitioners.

Mr. Deep Singh, D.A.G. Punjab.

ANITA CHAUDHRY, J.

1. Through this petition, the revisionists have challenged their conviction under Section 382 IPC. The conviction was recorded in FIR No.90 lodged on 03.04.2006 at Police Station Samana, District Patiala. The Sub Divisional Judicial Magistrate, Samana convicted the petitioners and sentenced them to undergo rigorous imprisonment for 03 years along with a fine of Rs.500/- each for commission of the offence under Section 382 IPC. The judgment was affirmed by the Addl. Sessions Judge, Fast Track Court, Patiala, vide order dated 05.07.2014. The petitioners were taken in custody to undergo the remaining part of sentence.

2. On 16.12.2014, learned counsel for the petitioners had confined his prayer only qua the quantum of sentence and notice of motion limited to that extent was issued.

3. I have heard learned counsel for the petitioners as well as learned State counsel appearing for the State of Punjab.

4. The counsel for the petitioners contends that the petitioners are poor persons and first offenders and had faced a protracted trial for the last more than nine years as the incident is of April, 2006 and petitioner Sukhwinder Singh had remained in custody for over 8½ months whereas petitioner Manjinder Singh had remained in custody for over 9½ months. Learned counsel for the petitioners contends that the sentence of the petitioners may be reduced to the period already undergone by them.

5. The State counsel has opposed the prayer and submits that convict-petitioners looted a car from the complainant and the Courts below have already taken a lenient view and no leniency should be shown to the petitioners. However, he very fairly concedes that the petitioners are not involved in any other case.

6. As the prayer made by the petitioners is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioners are affirmed.

As regards the prayer of reduction of sentence is concerned, it is noticed that the unfortunate occurrence took place on 03.04.2006. The petitioners were convicted by the trial Court vide judgment dated 15.09.2011. Their appeal was dismissed by the Sessions Court on 05.07.2014. The petitioners have remained in custody for more than 08 months. Considering the fact that the petitioners have been undergoing the agony of this trial for the last more than 9 years and are first offenders, I am of the view that ends of justice would be met in case the sentence awarded to the petitioners under Section 382 IPC is reduced to one year.

7. Thus, partly allowing the revision, the sentence awarded under Section 382 IPC is reduced to one year. There would be no modification in the fine.

With the above said modification, the revision petition is disposed of.

(ANITA CHAUDHRY)
JUDGE

23.03.2015
'Sunil Sehgal'