

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3816 of 2015 (O&M)****Date of Decision: November 17, 2015**

Raman Pandit alias Raman Sharma

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Rakesh Gupta, Advocate
for the petitioner.Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

None for the complainant.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Raman Pandit alias Raman Sharma against State of Punjab under Section 401 Cr.P.C., challenging the impugned judgment of conviction and order of sentence dated 10.03.2015 passed by learned Judicial Magistrate Ist Class, Shaheed Bhagat Singh Nagar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year under Section 148 IPC, rigorous imprisonment for a period of one month under Section 186 IPC and further rigorous imprisonment for a period of six months under Section 353 IPC and also challenging the judgment dated 14.09.2015 passed

by learned Sessions Judge, Shaheed Bhagat Singh Nagar, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings given by the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only on the quantum of sentence and learned State counsel appeared and contested the petition. However, learned counsel for the complainant was appearing earlier, but today none appeared on behalf of the complainant.

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

From the record, I find that in the present case, challan has been presented against nine persons by the police of police Station Behram under Sections 160, 186, 353, 427, 332, 336, 148 and 149 IPC. The main allegations, as per prosecution version are that the accused-petitioner pelted stones and bricks from the roof-top on the police officials, who had gone to the spot to look into the matter reported to them by Balbir Singh and Head Constable Balwinder Singh was injured from stick blows. The present petitioner has been convicted under Sections 148, 186 and 353 IPC and sentenced as stated above.

At the time of arguments, learned counsel for the petitioner contended that petitioner was young man at the time of occurrence and he is now 30 years old. He further contended that the petitioner

is first offender, only bread earner of the family and is a poor person.

Keeping in view the facts and circumstances of the present case, age of the petitioner and further in view of the fact that petitioner is first offender, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of six months under Section 148 IPC instead of one year. However, the remaining sentences will remain the same. All the sentences are ordered to run concurrently.

With the above-said modification in the sentence, the present revision petition stands partly allowed accordingly.

November 17, 2015
Vgulati

(INDERJIT SINGH)
JUDGE