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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: December 03, 2015
CRR No.4105 of 2015 (O&M)

DeepakPetitioner
Versus
State of HaryanaRespondent

CRR No.4518 of 2015 (O&M)

VikramPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Parminder Singh, Advocate
for the petitioner (in CRR No.4105 of 2015).

Mr. Karan Singh, Advocate
for the petitioner (in CRR No.4518 of 2015).

Ms. Mahima, AAG Haryana.

SABINA, J

Vide this order, above-mentioned two petitions would be disposed of as the petitioners had faced trial in FIR No.22 dated 01.02.2011, under Section 411 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Cheeka.

Trial Court vide judgment/order dated 24.05.2013/30.05.2013 ordered the conviction and sentence of the petitioners under Section 411 IPC. In an appeal filed by the petitioners, the Appellate Court vide order dated 05.10.2015, upheld the the conviction and sentence of the petitioners as ordered by the trial Court. Hence, the present petitions by the

petitioners.

Learned counsel for the petitioners have submitted that, although, as per the prosecution case, the motor-cycle in question was recovered by the police while it had held a *Naka* at the Bus-Stand Peedal, but the complainant in his cross-examination had stated that he had got the motor-cycle from a place which was in between Peedal and Mang-Patti. Be that as it may, learned counsel for the petitioners have submitted that they do not challenge the conviction of the petitioners under Section 411 IPC but the sentence qua imprisonment of the petitioners be reduced. Petitioners are the only bread-earner of their families and are not previous convicts.

Keeping in view the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the petitioners.

Accordingly, conviction and sentence of the petitioners under Section 411 IPC is maintained. However, sentence qua imprisonment of the petitioners is reduced to Rigorous Imprisonment for four months from Rigorous Imprisonment for one year.

Petitions stand disposed of, accordingly.

**(SABINA)
JUDGE**

December 03, 2015
mahavir