

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

**Crl. Revision No.4262 of 2014 (O&M)
Date of decision : 21.01.2015**

ShehzadPetitioner
versus
State of Haryana ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. I.S. Pabla, Advocate for the petitioner.
Mr. C.S. Bakshi, Addl. A.G. Haryana.

RITU BAHRI , J. (Oral)

The petitioner is against the order dated 14.03.2014 passed by the Judicial Magistrate 1st Class, Gurgaon whereby he has been convicted in a proceeding under Section 174-A of IPC for a period of one year and order dated 04.09.2014 passed by the Sessions Judge, Gurgaon, whereby his appeal against the conviction was dismissed.

As per the first part of Section 174 Sub Clause A, if the proclaimed proceedings have been initiated, punishment can be imposed as imprisonment of five years or fine or with both. In the present case, as per the allegations, the petitioner was facing a trial in FIR No.114 dated 22.04.2004 under Section 25 of the Arms Act. He was arrested and after completion of Jamalatahi Ex.PW2/A signed by the petitioner. As per the orders of Sessions Judge in appeal, a lenient view has been taken by the trial Court in FIR No.114 dated 22.04.2014.

After going through the judgment passed by the

Courts below, the petitioner's case falls in the first portion of 147-A IPC for which he could have been convicted for a period of upto three years or fine or with both whereas the petitioner has been convicted for one year. As per the custody certificate, the petitioner has undergone 06 months and 25 days in custody as on 14.01.2015 and it is not the case of the respondent that he is a habitual of doing bad deeds and he is not facing trial in any other case.

Once a lenient view has been taken by the trial Court in FIR No.114 dated 22.04.2004, this criminal revision is dismissed on merits. However, the sentence of the petitioner is reduced to the period already undergone by him and the fine is enhanced from Rs.500/- to Rs.2,000/-.

21.01.2015

Vinay

**(RITU BAHRI)
JUDGE**