

Crl. Revision No.553 of 2015

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

Crl. Revision No.553 of 2015 (O&M)

Date of decision: 10.04.2015

Jagjit Singh @ Jagga

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. S.K. Gupta, Advocate, for the petitioner.

Mr. K.S. Sidhu, Addl. A.G., Punjab.

PARAMJEET SINGH, J. (ORAL)

Present criminal revision has been preferred by the petitioner against judgment dated 09.01.2015 passed by the learned Additional Sessions Judge, Jalandhar, whereby an appeal preferred by the petitioner has been dismissed and judgment of conviction and order of sentence dated 11.11.2013 passed by the learned Sub Divisional Judicial Magistrate, Phillaur, has been upheld whereby petitioner has been sentenced as under:

<i>“U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
<i>283 IPC</i>	<i>Fine of ₹ 200/-</i>	<i>7 days</i>
<i>337 IPC</i>	<i>R.I. for three months & ₹ 200/-</i>	<i>7 days</i>
<i>338 IPC</i>	<i>R.I. for six months & ₹ 200/-</i>	<i>15 days</i>

All the sentences have been ordered to run concurrently.

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I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioner seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the petitioner states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioner be suitably reduced as this criminal trial is hanging on his head like damocle's sword for about six years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the petitioner has further submitted that the FIR pertains to the year 2009 and since then a period of about six years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further contends that the petitioner has already undergone three months (excluding eight days' remission).

In view of the arguments advanced by learned counsel for the petitioner, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the petitioner behind the bars further as the petitioner faced ordeal for about years. It is a fit case wherein sentence awarded to the petitioner can be reduced to already undergone. Therefore, sentence is reduced to the period already undergone, subject to deposit of compensation of ₹ 5,000/- under

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Section 357 Cr.P.C with the trial Court, which shall be paid to the injured, in addition to the fine/compensation already imposed by the Courts below. The impugned judgments of conviction and orders of sentence, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine/compensation is not deposited, the petitioner will serve the remaining part of sentence.

With the observations made above, present revision petition is disposed of with a direction that the petitioner be released immediately upon deposit of amount of fine/compensation, if not required in any other case and his sentence shall be treated reduced upto his actual release, as aforesaid.

(Paramjeet Singh)
Judge

April 10, 2015
R.S.