

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.645 of 2015 (O&M)
Date of Decision: 23.03.2015

Kulwant Singh

...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. Ashok Kumar Sama, Advocate
for the petitioner.

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

ANITA CHAUDHRY, J.

1. Through this petition, the revisionist has challenged his conviction under Section 411 IPC. The conviction was recorded in FIR No.137 lodged on 01.12.2011 at Police Station Jalalabad, District Fazilka. The Sub Divisional Judicial Magistrate, Jalalabad (W) convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period of 1 year along with a fine of Rs.5000/- for commission of the offence under Section 411 IPC. In default of payment of fine, he was to undergo further rigorous imprisonment for a period of 15 days. The judgment was affirmed by the Addl. Sessions Judge, Fazilka, vide order dated 12.01.2015. The petitioner was taken in custody to undergo the remaining part of sentence.

2. On 23.02.2015, learned counsel for the petitioner 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 petitioner as well as learned State counsel appearing for the State of Punjab.

4. The counsel for the petitioner contends that the convict-petitioner is a first offender and had faced a protracted trial for the last more than 3 years as the incident is of December, 2011 and had remained in custody for over 2 months. Learned counsel for the petitioner contends that the sentence of the petitioner may be reduced to the period already undergone by him.

5. The State counsel has opposed the prayer and submits that the incidents of theft are on the rise these days and the Courts below have already taken a lenient view and no leniency should be shown to the petitioner. However, he very fairly concedes that the petitioner is not involved in any other case.

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

As regards the prayer of reduction of sentence is concerned, the unfortunate occurrence took place on 01.12.2011. The petitioner was convicted by the trial Court vide judgment dated 06.08.2014. His appeal was dismissed

by the Sessions Court on 12.01.2015. The petitioner has remained in custody for more than 02 months. Considering the fact that the petitioner has been suffering the agony of this case for the last more than 3 years and he is the first offender, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner under Section 411 IPC is reduced to five months.

7. Thus, partly allowing the revision, the sentence awarded under Section 411 IPC is reduced to five months. 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'