

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.**

Crl. Revision No.763 of 2015 (O&M)
Date of decision: 20.7.2015

Mohit Kumar alias Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Chander Shekhar, Advocate for the petitioner.
Mr. Gaurav Dhir, DAG, Haryana.

Rajan Gupta, J. (oral)

Petitioner Mohit Kumar alias Monu had been convicted by the Judicial Magistrate Ist Class, Ambala, under section 356 IPC and was sentenced to undergo simple imprisonment for one year under section 356 IPC.

The petitioner preferred appeal against the judgment of his conviction/sentence, which was dismissed by Additional Sessions Judge, Ambala, vide judgment dated 23.1.2015.

Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant Criminal Revision.

Learned counsel for the petitioner at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that

he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 5.2.2011 at about 6.00 P.M., complainant Guru Piari after alighting from a three-wheeler was going towards her sister's house in village Khuda Khurd. In the meantime, accused (petitioner herein) came from behind and tried to snatch her gold ear rings. While he was doing so, complainant raised an alarm, on which the accused ran away from there, but was apprehended by Vijay Kumar and other inhabitants of the village. On her statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Sections 356/511 IPC, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as five witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded

false implication. He did not examine any witness in his defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge framed against him and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Ambala on 23.1.2015.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor person and main bread winner of his family including his old parents. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

On May 05, 2015, learned State counsel had placed on record affidavit of A.R. Bishnoi, Superintendent, Central Jail, Ambala, according to which the petitioner has undergone custody of about seven months till date.

Keeping in view the facts and circumstances of the case, it

is directed that the sentence awarded to the petitioner shall be reduced to nine months. No fine has been imposed on the petitioner by the trial court.

Except with the modification in the quantum of sentence and fine, as indicated hereinabove, the appeal stands dismissed.

(RAJAN GUPTA)
JUDGE

20.7.2015
'Rajpal'