

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.1949 of 2010 (O&M)
Date of decision : 04.10.2016

Subhash Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. V.K. Jindal, Sr. Advocate with
Ms. Janya Sirohi, Advocate for the petitioner (s).

Mr. Neeraj Poswal, AAG, Haryana

JITENDRA CHAUHAN, J. (Oral)

By filing the present criminal revision, the petitioner has assailed the judgment dated 12.07.2010, vide which, learned Additional Sessions Judge, Kaithal, upheld the judgment and order of sentence dated 25.07.2008 and 29.07.2008, respectively, passed by learned Judicial Magistrate First Class, Kaithal, whereby, the petitioner has been convicted and sentenced as under:-

Name of Convict	Under Section(s)	Sentence(s)
Subhash Kumar	409 IPC	RI for 3 years and fine of ₹500/-, in default thereof RI for 1 month.
	467 IPC	RI for 3 years
	471 IPC	RI for 3 years
	201 IPC	RI for 1 year and fine of ₹200/-, in default thereof RI for 15 days.
	167 IPC	RI for 2 years

However, all the sentences were ordered to run concurrently.

Statement recorded during the investigation, duly verified by the Municipal Councilor, Ward No.28, Kaithal, has been filed in the Court, is taken on record as Mark 'A'.

In pursuance of order dated 20.09.2016, reply on behalf of Deputy Superintendent of Police, Guhla, District Kaithal, has been filed in the Court, same is taken on record.

From the reply as well as the said statement, it emerges that the petitioner is suffering from various ailments, duly reflected in Annexures R-1 to R-3.

Learned Senior counsel for the petitioner does not press the revision petition on merits and has submitted that in view of the critical health of the petitioner, a lenient view may be taken in the matter of sentence. The petitioner is not involved in any other FIR and the entire amount stands recovered. This Court has re-scanned the entire record and finds no infirmity in the impugned judgments thereby recording conviction of the petitioner, as narrated above.

Learned State counsel opposes the prayer made.

Keeping in view the fragile health of the petitioner; the petitioner is not involved in any other FIR; and the fact that the entire amount stands recovered, the prayer made on behalf of the petitioner is

accepted and the sentence awarded to him is ordered to be reduced to the period already undergone by him. The petitioner be released, if not required in any other case.

Ordered accordingly.

04.10.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No