

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1032 of 2011

Date of Decision : August 12th, 2016

Ranjit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present:- Mr. H.S.Bath, Advocate,
for the petitioner.

Mr. Avikash Singla, Advocate,
for the respondent-State.

SHEKHER DHAWAN, J.

Present revision petition is directed against the judgment of conviction and order of sentence dated 30.01.2009 passed by learned Judicial Magistrate 1st Class, Tarn Taran whereby the petitioner was convicted and sentenced as under:-

Under Section	Sentence	In default
419 IPC	to undergo Rigorous Imprisonment for a period of 3 years and to pay a fine of Rs.1000/-	rigorous imprisonment for 6 months

Under Section	Sentence	In default
420 IPC	to undergo Rigorous Imprisonment for a period of 3 years and to pay a fine of Rs.1000/-	rigorous imprisonment for 6 months
384 IPC	to undergo Rigorous Imprisonment for a period of 3 years and to pay a fine of Rs.1000/-	rigorous imprisonment for 6 months

2. Petitioner preferred an appeal before learned Additional Sessions Judge, Tarn Taran. Though, the judgment of conviction passed by learned Judicial Magistrate 1st Class, Tarn Taran, dated 30.01.2009 was upheld by the first Appellate Court, but the sentence awarded to the petitioner was reduced from 3 years to 2 years vide judgment dated 28.04.2011. Therefore, the present revision petition before this Court.

3. Learned counsel for the petitioner mainly took the plea that he does not challenge the judgment of conviction passed by the Courts below and the present revision petition against judgment of conviction be dismissed. Otherwise also, on merits prosecution case is proved on the testimony of complainant PW Lakhbir Singh who was cheated for a sum of Rs.700/- by the present petitioner.

4. Learned State counsel has submitted that the prosecution case is duly proved on the file and there are no grounds to interfere in the judgment of conviction and order of sentence passed by the trial Court and judgment of first Appellate Court and the petition be dismissed.

5. Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that both the Courts below

have already examined the entire oral and documentary evidence and while placing reliance upon the testimony of complainant Lakhbir Singh, held the petitioner-accused guilty and convicted and sentenced him for commission of offence under Sections 419, 420 and 384 of IPC. The evidence has already been appreciated by both the Courts below and the present revision petition qua judgment of conviction is absolutely without merit and the same stands dismissed.

6. As regards to the order of sentence, learned counsel for the petitioner submitted that petitioner has already undergone almost 8 months of imprisonment which includes post conviction period of 6 months and 14 days against the total substantial sentence of 2 years awarded to the petitioner. Learned counsel for the petitioner further submitted that it was a case of single act of cheating on the part of the petitioner and there is no other case against the petitioner. So, he be released from the custody as the petitioner has already suffered much agony of law by remaining in custody for almost 8 months and faced protracted litigation for a period of more than sixteen years.

7. Learned State counsel has not disputed the fact regarding the undergone period and there being no other case against the petitioner.

8. In view of the above fact that petitioner has already undergone actual sentence of 7 months and 6 days which includes post conviction period of 6 months and 14 days and there being no other case against the petitioner, the order of sentence is modified to the extent that the sentence awarded to the petitioner is reduced to the one already undergone by him

while remaining in custody and he shall be released from custody if not required in any other case.

9. Revision stands partly allowed in above terms.

(SHEKHER DHAWAN)
JUDGE

August 12th, 2016
mohan

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No