

Criminal Revision No.2402 of 2010

Date of Decision: December 05, 2016

Mohar Singh

..... PETITIONER

VERSUS

State of Haryana and another

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Manoj Chahal, Advocate, for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana,
for respondent No.1.

Mr. Sudhanshu Makkar, Advocate,
for respondent No.2.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Mohar Singh challenging judgment of conviction dated January 08, 2008 and order of sentence dated January 10, 2008, passed by the Sub Divisional Judicial Magistrate, Loharu, in criminal complaint No.131-1C, dated 27.04.2000 under Sections 406, 408, 420 & 506 IPC, registered at Police Station Behal as well as judgment dated July 26, 2010 passed by learned Additional Sessions Judge (I), Bhiwani. Vide judgment of conviction dated January 08, 2008 and order of sentence dated January 10, 2008, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Mohar Singh	420 IPC	One year	5,00/-	15 days

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated July 26, 2010 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioner filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

3. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for a period of more than 16 years and 7 months after registration of the instant case; is a poor person; is a sole bread winner of the family; and only source for livelihood for his old aged mother. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who had already suffered incarceration for a period of 06 months & 09 days (including remission), as is evident from custody certificate dated 26/27.07.2016. Thus, this Court is of the considered view that a chance be

given to the petitioner to reform & improve himself; to become good citizen;
and to lead a peaceful & harmonious life.

4. Taking into consideration the aforesaid aspects of the case,
though, conviction of the petitioner is upheld but the sentence imposed upon
him by the courts below is reduced to the period already undergone by him,
with no change in fine clause.

5. With the above modification in sentence, revision petition
stands dismissed.

December 05, 2016
Ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No