

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 226

ANKUR GOYAL
I attest to the accuracy and
authenticity of this document

Criminal Revision No.2761 of 2010

Date of Decision: August 29, 2016

Dhup Singh

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Preetinder S. Ahluwalia, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by the Dhup Singh challenging judgment/Order dated December 22, 2004 passed by the Sub Divisional Judicial Magistrate, Hansi, in case bearing FIR No.55 dated February 12, 2004, under Section 394 of IPC, registered at Police Station City, Hansi as well as judgment dated September 21, 2010 passed by learned Additional Sessions Judge, Hisar. Vide judgment/order dated December 22, 2004, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Dhup Singh	394 IPC	02 years	1000/-	03 months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated September 21, 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 12 years & 06 months after registration of the instant case and is a sole bread winner of the family. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner. Moreover, petitioner had already suffered incarceration for a period of 01 year & 06 days, as is evident from custody certificate dated August 26, 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.

August 29, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**