

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 232

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

**Criminal Revision No.2053 of 2011**

**Date of Decision: October 04, 2016**

Gurdev Singh

..... PETITIONER

*VERSUS*

State of Haryana

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

**PRESENT:** - Mr. G.S. Sidhu, Advocate, for the petitioner.

Ms. Neelam Kashyap, Deputy Advocate General, Haryana.

. . .

**Jaspal Singh, J.**

1. The instant revision has been preferred by Gurdev Singh challenging judgment of conviction dated June 08, 2010 and order of sentence dated June 09, 2010 passed by the Judicial Magistrate 1<sup>st</sup> Class, Sirsa, in case bearing FIR No.60 dated April 27, 2004, under Sections 325 & 34 IPC, registered at Police Station Ellenabad as well as judgment dated August 11, 2011 passed by learned Additional Sessions Judge (Fast Track Court), Sirsa. Vide judgment of conviction dated June 08, 2010 and order of sentence dated June 09, 2010, he was convicted and sentenced as under:-

| Name of Accused | U/s                             | RI       | Fine (₹ ) | In default (R.I.) |
|-----------------|---------------------------------|----------|-----------|-------------------|
| Gurdev Singh    | 325 read with<br>Section 34 IPC | 02 years | 1000/-    | 06 months         |

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated August 11, 2011 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 & 05 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 their old aged parents. 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 02 months and 02 days, as is evident from order dated October 13, 2011 passed by this Court. 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.

**October 04, 2016**  
avin/ankur

**(Jaspal Singh)**  
**Judge**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**