

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 232

Criminal Revision No.38 of 2010 (O & M)
Date of Decision: August 03, 2016

Rajeev Kapoor
..... PETITIONER

VERSUS

State of Haryana
..... RESPONDENT

...

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

...

PRESENT: - Mr. Shiv Kumar, Advocate, for the petitioner.

 Mr. Tanuj Sharma, Assistant Advocate General,
 Haryana.

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Jaspal Singh, J

1. The instant revision petition has been preferred by the petitioner against judgment dated November 18, 2009 passed by the Additional Sessions Judge, Faridabad, whereby judgment of conviction and order of sentence dated September 08, 2006 passed by the trial court, in FIR No.478 of 1995, under Sections 420, 467, 468, 471 and 120-B of IPC, Police Station, Kotwali, Faridabad, has been upheld. The petitioner was convicted and sentenced as under :-

IPC Section	Rigorous Imprisonment	Fine(Rs)
U/s 420 IPC	2 years RI	Rs. 500/-
U/s 467 IPC	3 years RI	Rs. 500/-
U/s 468 IPC	3 years RI	Rs. 500/-
U/s 120-B IPC	2 years	-
U/s 471 IPC	2 years RI	-

In default of payment of fine, the accused has been ordered to undergo rigorous imprisonment for the period of six months.

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 judgments 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 provision of the Act 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 (aged about 68 years) is facing the agony of protracted trial for the last more than 20 years after registration of the instant case and is first offender; he is only bread winner in the family; there is no other case of similar nature, either pending or disposed of, against the petitioner who had also suffered incarceration more than one year, one month and 24 days, as is evident from custody certificate dated July 21, 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 03, 2016
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No