

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 232-a

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

Criminal Revision No.2517 of 2011

Date of Decision: October 04, 2016

Devender 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 Devender Singh challenging judgment of conviction dated June 08, 2010 and order of sentence dated June 09, 2010 passed by the Judicial Magistrate 1st 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.)
Devender Singh	325 read with 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 29 days (including remission), as is evident from custody certificate dated August 02, 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.

October 04, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No