

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Revision 353 of 2012
Date of Decision : May 25, 2016**

Mahinder Pal		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. Narpinder Singh, Advocate for
Mr. Avnish Mittal, Advocate for the petitioner.

Mr. Dhruv Dayal, Deputy A.G., Haryana.

T.P.S.MANN, J. (Oral)

The petitioner along with Akhtar Ali was sent up to face trial for commission of offence punishable under Section 411 IPC. During the trial of the case, Akhtar Ali absconded and was, accordingly, declared proclaimed offender. Vide judgment and order dated 3/5.7.2010, the trial Court convicted the petitioner under Section 411 IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of two months. The conviction and sentence of the petitioner were upheld by the lower appellate

Court vide judgment dated 21.1.2012. Hence, the present revision, in which, he is currently on bail pursuant to order dated 8.2.2012.

Learned counsel for the petitioner has not challenged his conviction under Section 411 IPC. It is, however, submitted that the petitioner is not a previous convict. He is a daily wager and having two children to look-after. Besides, he has a widowed sister, who also has two children. He is the only one, who can look-after the entire family. He is facing the agony of criminal prosecution for the last more than fourteen years. Prayer has, accordingly, been made for reducing his sentence of imprisonment to the one already undergone by him.

Learned State counsel has opposed the prayer by submitting that the petitioner was found in possession of stolen property, i.e. car bearing registration No.DL-8CA-2188, when he was apprehended by the police during the investigation of FIR No. 47 dated 31.1.2002, Police Station DLF Qutab Enclave, Gurgaon, under Section 379 IPC. Learned State counsel has, however, produced the custody certificate, as per which, the petitioner has already undergone an actual sentence of one month and three days.

Taking into consideration the totality of circumstances, this Court is of the view that the petitioner need not be sent

behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice would be suitably met, if his remaining substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner for the offence under Section 411 IPC is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs.1,000/- imposed, which already stood deposited with the trial Court is, however, enhanced to Rs.5,000/- which shall be deposited with the trial Court within three months from today, failing which, he shall be required to undergo simple imprisonment for four months.

But for the modification in the quantum of sentence of imprisonment and fine, as indicated above, the revision fails and is, therefore, dismissed.

May 25, 2016
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(T.P.S. MANN)
JUDGE