

Criminal Revision No.3573 of 2012

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 234

Criminal Revision No.3573 of 2012

Date of Decision: August 10, 2016

DARSHAN

..... PETITIONER

VERSUS

STATE OF HARYANA

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Ravi Sharma, Advocate, for the petitioner.

Mr. Parveen Aggarwal, Deputy Advocate General, Haryana.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Darshan challenging judgment of conviction dated July 26, 2010 and order of sentence dated July 29, 2010, passed by the Judicial Magistrate Ist Class, Kaithal, in case bearing FIR No.144 dated June 16, 2002, under Sections 326, 325, 324, 323 & 34 of IPC, Police Station Sadar Kaithal as well as judgment dated September 25, 2012, passed by learned Additional Sessions Judge, Kaithal. Vide judgment of conviction dated July 26, 2010 and order of sentence dated July 29, 2010, he was convicted and sentenced as under:-

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ANKUR GOYAL
2016.08.19 18:06
I attest to the accuracy and
authenticity of this document [2]

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Darshan	148 read with Section 149 IPC	One year	500/-	One week
	323 read with Section 149 IPC	Two months	100/-	One week
	324 read with Section 149 IPC	Two years	500/-	Two weeks
	325 read with Section 149 IPC	Two years	500/-	Two weeks
	326 read with Section 149 IPC	Three years	1000/-	Three weeks

Dis-satisfied with the aforesaid judgment/order of conviction and sentence, the accused – petitioner preferred an appeal wherein, the Lower Appellate Court vide judgment dated September 25, 2012, upheld the conviction, however, reduced the sentence as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Darshan	148 read with Section 149 IPC	One year	500/-	One week
	323 read with Section 149 IPC	Two months	100/-	One week
	324 read with Section 149 IPC	One year	500/-	Two weeks
	325 read with Section 149 IPC	One year	500/-	Two weeks
	326 read with Section 149 IPC	Acquitted		

2. While issuing notice of motion on November 19, 2012, following order was passed by a coordinate Bench of this Court:-

“Crl.Misc. No.67632 of 2012

Heard. Criminal Miscellaneous Application for exemption from filing the certified copy of the grounds of appeal is allowed subject to all just exceptions.

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After arguing the case for some time, learned counsel for the petitioner does not challenge this Criminal Revision Petition so far as the conviction is concerned. However, he submits that keeping in view the totality of the circumstances of the case, the sentence awarded to the petitioner is on higher side. He further submits that nine co-convicts of the petitioner have been released on probation and without assigning good reasons the petitioner has been declined the said concession.

Notice of motion for 29.01.2013 with regard to quantum of sentence only.”

3. 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.

4. 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 approximately 14 years & 02 months after registration of the instant case; is a poor person; 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 six months & two days, as is evident from custody certificate dated August 09, 2016. Thus,

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this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

5. 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.

6. With the above modification in sentence, revision petition stands dismissed.

August 10, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No