

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 219

Criminal Revision No.1234 of 2013 (O & M)

Date of Decision: May 11, 2016

Dharmender

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Tejinder K. Joshi, Advocate, for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

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Jaspal Singh, J

1. The instant revision has been preferred by Dharmender challenging judgment dated November 01, 2010 passed by the lower appellate court whereby judgment of conviction dated February 22, 2010 and order of sentence dated February 27, 2010 passed by the trial court, in case bearing FIR No.137 dated August 10, 2009 under Sections 454, 380 IPC, Police Station, Sushant Lok, Gurgaon, has been upheld, vide which, the

accused – petitioner alongwith his co-accused Gaurav Arora, has been held guilty under Sections 380, 411, 454 IPC and sentenced as under:-

U/S	Simple Imprisonment	Fine (₹)	In Default
454 IPC	3 years	2,000/-	2 months
380 IPC	2 years	1,000/-	1 month
411 IPC	1 year	1,000/-	1 month

2. At the very outset of arguments, learned counsel for the petitioner has submitted that he does not challenge the conviction of the petitioner, however, the petition may be heard on the quantum of sentence only. This court has also scrutinized the impugned judgments as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in the impugned judgment(s) as far as the conviction of petitioner under aforesaid provisions of IPC is concerned. As such, the conviction of 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 the last more than 6 years after filing of the instant complaint, he is the only bread winner in the family and a source for livelihood for his old aged parents. Moreover, the petitioner has already suffered incarceration for a period of more than two years, as on today, as is evident from custody certificate dated January 12, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.

6. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed him by the courts below is reduced to the period already undergone by him, with no change in fine clause.

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

May 11, 2016
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(Jaspal Singh)
Judge