

CRR No. 552 of 2012 (O&M)
DECIDED ON: MAY 12, 2016

.....PETITIONER

STATE OF HARYANA

.....RESPONDENT

- 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?*

Present: Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J

1. The instant revision has been preferred by Manoj Bhatnagar challenging judgment dated February 06, 2012 passed by learned Additional Sessions Judge, Faridabad, whereby judgment of conviction dated March 07, 2011 and order of sentence dated March 09, 2011 passed by Judicial Magistrate Ist Class, Faridabad, in case bearing FIR No.565 dated November 06, 2003 under Sections 380, 420, 467, 468 and 471 IPC, Police Station, Sarai Khawaja has been upheld, vide which, the accused – petitioner has been sentenced as

under:-

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Manoj Bhatnagar	380 IPC	1 year	1,000/-	One Month
	420 IPC	1 year	1,000/-	One Month
	467 IPC	1 year	5,000/-	Three Months
	468 IPC	1 year	5,000/-	Three Months
	471 IPC	1 year	5,000/-	Three Months

2. Here it would be pertinent to mention that at the time of issuance of notice of motion, petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence. 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 impugned judgment(s) as far as the conviction of the petitioner 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 the last more than 10 years after registration of the instant case, he is the only bread winner in the family, having two small children. Accused – petitioner is first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner. Moreover, petitioner has already suffered incarceration for a period of 04 months and 10 days and he never misused the concession of bail, which shows that he is in process of improving himself, therefore, some concession in substantive sentence can be extended to him. 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.

4. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in the fine clause.

5. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

MAY 12, 2016
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(JASPAL SINGH)
JUDGE