

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

**Criminal Revision No.3424 of 2013 (O&M)
Date of Decision: 27.04.2016**

Sandeep @ Ravinder

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. Whether reporters of local newspapers may be allowed to see judgment?*
- 2. To be referred to reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present:- Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.A.G., Haryana.

HARI PAL VERMA, J.

Petitioner – Sandeep @ Ravinder son of Ramphal, resident of Dhana Narsana, at present, resident of Dayal Colony, Hansi, District Hissar has filed the present revision petition against judgment dated 30.7.2013 passed by learned Additional Sessions Judge, Bhiwani, whereby appeal against the judgment of conviction dated 26.5.2011 and order of sentence dated 28.5.2011 passed by Judicial Magistrate Ist Class, Bhiwani in FIR No.169 dated 13.8.2008 under Section 379 IPC P.S. Civil Lines, Bhiwani was dismissed.

Briefly stated, FIR No.169 dated 13.8.2008 under Section 379 IPC P.S. Civil Lines, Bhiwani was registered against the petitioner on the complaint of EHC Mewa Singh. As per the case of the prosecution, on 13.8.2008, the complainant parked his Hero Honda Splendor motorcycle bearing registration No.HR-16E-9180 engine No.06F15E05865, Chasis No.06F16F06133 in the Cycle Stand of Mini Secretariat, Bhiwani. At around 4.45 P.M., the said motorcycle was stolen. He made every effort to search the motorcycle, but to no avail. Accordingly, the FIR in question was registered. It has been further averred that on 16.9.2008, during a *naka*, the police found the petitioner-accused to be riding on the said motorcycle and accordingly, the petitioner was arrested with the motorcycle from Village Sikenderpur. After completion of investigation, challan was presented in Court. Copy of the challan along with documents was supplied to the accused free of costs as envisaged under Section 207 CrPC. Finding a *prima facie* case from the documents on record and report under Section 173 CrPC, the petitioner-accused was chargesheeted for commission of offence under Section 411 IPC.

In support of its case, the prosecution examined Mewa Singh E/ASI as PW-1, Bhushan Kumar ASI as PW-2, Jagat Singh, Inspector as PW-3, Sharwan Kumar SI as PW4, Sishanpal ASI as PW5, Dalbir Singh ASI as PW6 and on 22.3.2011, evidence was closed by the Court order.

The petitioner-accused, in his statement under Section 313 CrPC, denied all the allegations as levelled by the prosecution against him and pleaded innocence and false implication.

The trial Court vide its judgment dated 26.5.2011 held the petitioner guilty for commission of offence under Section 411 IPC and accordingly, convicted him and vide separate order, sentenced him to undergo imprisonment for a period of one year.

Aggrieved against the aforesaid judgment of conviction and sentence, the petitioner preferred an appeal before learned Additional Sessions Judge, Bhiwani, however, the same was dismissed with the observation that the trial Court has rightly convicted and sentenced the petitioner and no interference is warranted into the judgment of conviction and sentence passed by the trial Court.

It is in these circumstances, the petitioner has filed the present revision petition against the judgments passed by the Courts below.

At this stage, learned counsel for the petitioner, instead of arguing the case on merits, has confined his arguments only *qua* the quantum of sentence. He submitted that keeping in view the fact that the petitioner is a first time offender and as against the awarded sentence of 1 year, he has already remained in custody for a period of 8 months and 2 days, the sentence

awarded to him may be reduced to the period already undergone by him.

Learned State counsel has filed the custody certificate of the petitioner in Court, which co-relates with the custody period, as stated by learned counsel for the petitioner.

I have heard learned counsel for the parties and perused the impugned judgments.

Although the scope of interference by this Court in revisional jurisdiction is very limited, however, taking into consideration the fact that the petitioner is a first time offender coupled with the fact that as against the awarded sentence of one year, he has already remained in custody for more than 8 months, the sentence awarded to the petitioner is reduced to the period already undergone by him.

With the aforesaid modification, the present revision petition is dismissed.

April 27, 2016
AK

(HARI PAL VERMA)
JUDGE