222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 85 of 2013
DECIDED ON: MAY 25, 2016

JAGDISH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

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. Sukhdeep Parmar, Advocate
for the petitioner.

Mr. Neelam Kashyap, DAG, Haryana.

*****

JASPAL SINGH, J

1. By virtue of this revision petition, petitioner has challenged the judgment dated November 06, 2012 passed by learned Additional Sessions Judge, Sonepat, whereby judgment of conviction and order of sentence dated February 22, 2011 passed by Judicial Magistrate Ist Class, Gohana, in case bearing FIR No.126 dated November 18, 2002 under Sections 419, 420, 468, 471 and 120-B IPC, Police Station, Baroda has been upheld vide which, the accused – petitioner has been sentenced as under:-

SHAM SUNDER
2016.05.28 10:42
I attest to the accuracy and
integrity of this document
HIGH COURT CHANDIGARH

Name of Accused	U/s	SI	Fine (₹)	In default (R.I.)
Jagdish	419 IPC	Six months	--	--
	420 IPC	One year	1,000/-	--
	467 IPC	Two years	2,000/-	--
	468 IPC	One year	1,000/-	--
	120-B IPC	Six months	--	--

All the sentences were ordered to run concurrently.

2. Learned counsel for the petitioner submits that he does not challenge the order of conviction but prays that the sentence imposed upon the petitioner be reduced to the period already undergone by him as he is facing the agony of a protracted trial for the last more than 12 years. Petitioner is only bread winner of his family and is a first offender.

3. Since, learned counsel for the petitioner has not disputed the order of conviction passed by learned trial Court and upheld by First Appellate Court, therefore, this Court does not intend to go in detail with regard to the factual aspects of the case. 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.

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 since 2002. However, there appears to be a substance in the submissions of learned counsel for the petitioner that he is a first offender; he is the sole bread winner for his family;

SHAM SUNDER
2016.05.28 10:42
I attest to the accuracy and
integrity of this document
HIGH COURT CHANDIGARH

and that during trial and pendency of appeal he never misused the concession of bail/remission, which shows that he is in process of improving himself, therefore, some concession in substantive sentence can be extended to him.

7. 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. In addition thereof, petitioner shall deposit an amount of ₹10,000/- with trial Court which shall be paid to the complainant.

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

MAY 25, 2016 **(JASPAL SINGH)**
sham **JUDGE**

SHAM SUNDER
2016.05.28 10:42
I attest to the accuracy and
integrity of this document
HIGH COURT CHANDIGARH