

CRR No. 243 of 2015
DECIDED ON: MAY 25, 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. Parminder Singh, Advocate
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

JASPAL SINGH, J

1. By virtue of this revision petition, petitioner has challenged the judgment dated January 08, 2015 passed by learned Additional Sessions Judge, Karnal, whereby judgment of conviction and order of sentence dated July 19/21, 2011 passed by Judicial Magistrate Ist Class, Karnal, in case bearing FIR No.116 dated May 31, 2002 under Sections 420, 467, 471 and 120-B IPC, Police Station, Taraori, Karnal has been upheld.

2. At the very outset, it has been contended by learned counsel for the

petitioner that he does not challenge the conviction on merits and only confines his relief qua quantum of sentence. He further submits that petitioner is having four daughters and is not a previous convict. He has already undergone the incarceration for a period of 01 year, 04 months and 14 days, out of total substantive sentence of two years. He is neither required nor involved in any other case, therefore, his substantive sentence may be reduced to the period already undergone.

3.. Learned State counsel does not dispute the factual position as stated above.

4. 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.

5. 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 and having four daughters. 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; out of rigorous imprisonment for two years, petitioner has suffered incarceration for a period of one year, 04 months and 14 days 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.

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

MAY 25, 2016
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(JASPAL SINGH)
JUDGE