

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 2432 of 2015
Date of decision : 08.01.2016

Jagshir Singh @ Seera
....Petitioner

V/s

State of Punjab
....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Janak Singh Bhinder, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner Jagshir Singh @ Seera had been convicted by the Additional Chief Judicial Magistrate, Sangrur under sections 454, 380, 411 IPC and was sentenced to undergo imprisonment as under:-

Offence	Sentence
454 IPC	To undergo R.I. for two years and to pay fine of ₹2000/- and in default thereof to further undergo R.I. for two month.
380 IPC	To undergo R.I. for two years and to pay fine of ₹1000/- and in default thereof to further undergo R.I. for two months.
411 IPC	To undergo R.I. for one year and to pay fine of ₹1000/- and in default thereof to further undergo R.I. for one month.

The petitioner preferred appeal before Additional Sessions Judge, Sangrur against the judgment of his conviction/sentence. Vide judgment dated 07.05.2015, same was modified and sentence was reduced from two years to one year and

six months. Except with this modification in the quantum of sentence, the appeal was dismissed. Feeling aggrieved against the judgments of both the courts below, petitioner has approached this court through the instant Criminal Revision.

Learned counsel for the petitioner at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 20.08.2010, complainant Lovejeet Kumar Goyal made a complaint to the police that he was doing the business of readymade garments store in the main bazaar Bhawanigarh. On the said date at about 02.30 p.m., he had gone to his house for lunch alongwith his wife Rita Goyal from his shop. When he entered his house and opened the gate, he saw two boys scaling the back wall of his house and fled away. When he checked, four ladies rings, one gent ring, a pair of tops, fifty silver coins and about ₹25,000/- cash were stolen. On this statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under sections 454, 380 & 411 IPC charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as five witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of the evidence on record, learned trial court held the petitioner guilty of the charges under sections 454, 380 & 411 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Sangrur except in the modification of sentence as already indicated above.

On perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor person and main bread

winner of his family. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Hardeep Singh, Superintendent, District Jail, Sangrur, according to which the petitioner had undergone actual custody of 07 months and 13 days as on 08.01.2016.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to 10 months. However, the fine imposed by the trial court shall remain intact. Ordered accordingly.

The amount of fine if not already paid shall be deposited within three months from the date of receipt of certified copy of this order. However, in case fine is not deposited within the stipulated period, the modification in quantum of sentence shall stand withdrawn and the petitioner shall undergo the remaining period of sentence as awarded by the trial court. Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

January 08, 2016

Ajay

(RAJAN GUPTA)
JUDGE