

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

CRR No.1370 of 2016 (O&M)
Date of Decision: May 23, 2016

Sonu alias Budha

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurdial Singj Jaswal, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Sonu alias Budha against State of Haryana, challenging the impugned judgment of conviction dated 19.09.2015 and order of sentence dated 21.09.2015 passed by learned Judicial Magistrate Ist Class, Gurgaon, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹5000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Section 411 IPC and also challenging the judgment dated 29.01.2016 passed by learned Addl. Sessions Judge, Gurgaon, vide which appeal filed by petitioner was dismissed.

Notice of motion.

Mr.Vikramjit Singh, Addl. Advocate General, Haryana, who is

present in the Court, on the asking of the Court accepted notice and contested

the petition.

The brief facts of the case as noted down in the judgment passed by learned JMIC, Gurgaon are as under:-

“The facts of the case of the prosecution is that on 23.11.2010 SI Hawa Singh, ACJ Staff, Gurgaon alongwith EASI Ravinder Kumar No. 878, Constable Raj Kumar no.2116 was present at Shankar Chowk for crime patrolling duty when a secret information was received that two young persons were coming towards Udyog Vihar Gurgaon with intention to sell stolen motorcycles and if raid is conducted, they both could be apprehended alongwith the stolen motorcycles. Upon this secret information SI Hawa Singh established a checkpoint. After some two young boys on a motor cycle bearing reg. no.DL-8SAU-8443 reached at the checkpoint and they were apprehended. On inquiry they disclosed their names as Raman alias Chhotu and Sonu alias Budha (above named accused persons). On checking the motorcycle was found marka Bajaj pulser, blue in colour, having Engine no. 43635, Chasis no. 55558. Further, it disclosed that motorcycle in question was stolen by them from Sector 15 Rohni and came on that day in UdyongVihar for selling the same. Upon this necessary investigation was conducted by SI Hawa Singh and thereafter statements of witnesses were recorded. Site plan was prepared. On the basis of this information, FIR was registered. After investigation, site plan was prepared, disclosure statement were recorded, statements of the witnesses were recorded. Accused were arrested and were produced before the court on 24.11.2010. After completion of the necessary investigation, report as required under Section 173, Cr.P.C was submitted.”

Learned JMIC, Gurgaon, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Gurgaon vide judgment dated 29.01.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

Learned counsel for the petitioner does not dispute the concurrent findings of the Courts below regarding conviction. However, he only contended on the point of reduction of sentence. Learned counsel for

the petitioner argued that petitioner is first offender, poor person and only bread earner of the family and he is to look after his old parents etc. He further argued that the petitioner is suffering from criminal proceedings since 2010. Learned counsel for the petitioner, therefore, prayed for lenient view.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case, nature of the offence and in view of the fact that petitioner is only bread earner of the family and is suffering from long protracted criminal proceedings for the last about six years, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of six months instead of one year under Section 411 IPC. However, the sentence of fine and default thereof, will remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

May 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE