

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

**CRR No.1404 of 2016 (O&M)
Date of Decision: April 08, 2016**

Harpreet Singh alias Molu and another Petitioners

vs.

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Yoginder Mohan Bhagirath, Advocate
for the petitioners.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the judgment dated 23.03.2016 passed by learned Addl. Sessions Judge, Sangrur, affirming the judgment of conviction and order of sentence dated 11.05.2015 passed by learned Judicial Magistrate 1st Class, Malerkotla, vide which the petitioners were convicted for the commission of offence punishable under Section 411 IPC and sentenced to undergo rigorous imprisonment for six months each and to pay a fine of ₹500/- each, in default thereof to further undergo rigorous imprisonment for one week each.

I have heard learned counsel for the petitioners and have also carefully gone through the case file.

As per prosecution case, a theft was committed on 23.01.2009 in the shop of complainant Hardev Singh. The bundles of clothes worth ₹2,50,000/- along with ₹1,300/- were also

stolen. On 26.01.2009, ASI Mandhir Singh along with police party and the complainant was present near bridge drain Adamwal, when all the accused were seen coming with the said stolen properties carrying them on their head and were apprehended.

Learned counsel for the petitioners has argued that the story of the prosecution is improbable that the complainant accompanied the police party and that the accused were carrying the stolen goods on their heads three days after the alleged theft.

It comes out that during trial, the accused had not claimed the case properties. The prosecution story was proved by the statement of ASI Mandhir Singh as well as the complainant. It depends upon the mentality of an individual as to how he acts in the given circumstances. Therefore, it cannot be laid down as general principle that accused could not carry stolen goods on their heads, particularly, the clothes.

It being so, there is no illegality in the findings recorded by both the courts below. The sentence awarded to the petitioner is already on lighter side. Thus, there is no ground to interfere in the same.

Accordingly, the present revision petition stands dismissed.

April 08, 2016
sarita

(KULDIP SINGH)
JUDGE