

Criminal Revision No.1452 of 2016 (O&M)

ANKUR GOYAL
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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 238

Crl. Revision No.1452 of 2016 (O&M)

Date of Decision: September 09, 2016

MANJIT MASIH

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. M.S. Saini, Advocate for
Mr. Ritesh Pandey, Advocate, for the petitioner.

Mr. B.S. Cheema, Deputy Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Manjit Masih challenging judgment of conviction and order of sentence dated October 16, 2015, passed by the Additional Chief Judicial Magistrate, Pathankot, in case bearing FIR No.46 dated April 01, 2010, under Sections 279, 304-A & 427 of IPC, registered at Police Station Sadar, Pathankot as well as judgment dated December 24, 2015, passed by learned Additional Sessions Judge, Pathankot. Vide judgment of conviction and order of sentence dated October 16, 2015, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Manjit Masih	279 IPC 304-A IPC	Six Months Two Years	----- 200/-	----- 30 days

Dis-satisfied with the aforesaid judgment/order of conviction and sentence, the accused – petitioner preferred an appeal wherein, the Lower Appellate Court vide judgment dated December 24, 2015, upheld the conviction, however, reduced/modified the sentence as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Manjit Masih	279 IPC 304-A IPC	Six Months One Year	----- 200/-	----- 30 days

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant document(s)/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 under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

3. 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 modified by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for more than 06 years & 05 months after registration of the instant case and is a sole bread winner of the family. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner. Moreover,

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petitioner has already suffered incarceration for a period of 10 months & 18 days (including remission), as is evident from custody certificate dated September 01, 2016. Thus, this Court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner shall be released forthwith.

5. With the above modification in sentence, revision petition stands dismissed.

CRM No. 12261 of 2016

The instant application for suspension of sentence is rendered infructuous since the main petition has been disposed of with modification in sentence imposed upon the petitioner.

September 09, 2016
Ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No