

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1657 of 2016 (O&M)
Date of Decision: 09.11.2016

Sukhpal Singh and others

.....Petitioners

versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. T.P.Singh, Advocate for the petitioners.

Mr. K.S.Pannu, DAG, Punjab.

AJAY TEWARI, J. (Oral)

On 08.08.2016 the following order was passed :-

“Present revision petition has been filed against the concurrent conviction of the petitioners under Section 406 and 120-B IPC. As per the allegations, the petitioners were members of Samiti which was entrusted paddy for shelling but paddy worth Rs.6 lacs approx. was misappropriated.

Learned counsel has argued that though the petitioners were members yet the main person behind the whole business was Gaganjot Singh who was the Secretary and has also been declared as proclaimed offender and now the petitioners and other members who are innocent have been foisted with this liability of punishment of 2½ years.

After arguing for some time, learned states that this may not be a good ground to acquit the petitioners yet their sentence of 2½ years is liable to be reduced. I find some merit in this argument. Consequently, I issue notice qua quantum of sentence.

To come up on 09.11.2016.”

The sentence awarded to all the petitioners is as under:-

Offence	Punishment
Under Section 406 read with : 120-B IPC	To undergo R.I. for the period of Two years and six months and to pay fine of Rs.2000/- and in default of payment of fine, to further undergo rigorous imprisonment for the period of two months and 15 days.

Custody certificates by way of affidavit of Hardeep Singh, PPS, Superintendent, District Jail Sangrur on behalf of State have been filed and the same are taken on record. Copy supplied to the counsel opposite. As per custody certificates all the three petitioners have undergone 09 months and 9 days of actual sentence.

Learned counsel for the petitioners has argued that he does not press this revision on merits but prays that some leniency be shown in the sentence since the petitioners have learnt their lesson and any long incarceration may not have any reformatory effect but may ultimately

harden the petitioners.

Learned Deputy Advocate General has accepted these facts.

In my considered opinion, these factors would justify a reduction in the sentence. Keeping in view the averments made on 08.08.2016, I deem it appropriate to reduce the sentence of the petitioners.

Consequently, the revision against the conviction is dismissed but the sentence of the petitioners is reduced to 01 year instead of 2 ½ years. The fine shall remain unchanged.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

09.11.2016
Pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No