

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

CRR No.1812 of 2016 (O&M)
Date of Decision: May 23, 2016

Ravi alias Sonu

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kulwant Singh Dhanora, Advocate
for the petitioner.

Mr.Brijesh Sharma, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ravi alias Sonu against State of Haryana, challenging the impugned judgment of conviction dated 01.02.2014 and order of sentence dated 03.02.2014 passed by learned Sub Divisional Judicial Magistrate, Hansi, vide which the petitioner was convicted and sentenced to undergo simple imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month under Section 174-A IPC and also challenging the judgment dated 27.04.2015 passed by learned Addl. Sessions Judge, Hisar, vide which appeal filed by petitioner was partly allowed and the sentence of the petitioner was reduced to 11 months from two years but fine was enhanced to ₹10,000/- and in

default of payment of fine, the petitioner was directed to undergo simple imprisonment for a period of two months.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

The brief facts of the case as per the prosecution version are that on 08.01.2012, upon receiving the copy of order dated 20.12.2011 passed by learned Addl. Sessions Judge, Hisar, in case FIR No.438 dated 29.08.2009 under Sections 302, 120-B, 212 IPC and Arms Act, vide which the present revision petitioner was declared proclaimed offender along with other accused, a case was registered under Section 174-A IPC and investigated upon and the accused was arrested and produced before the Court. After necessary investigation, challan was presented.

Learned SDJM, Hansi, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was partly allowed by learned Addl. Sessions Judge, Hisar vide judgment dated 27.04.2015.

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

Learned counsel for the petitioner argued that petitioner is poor person, only bread earner of the family and he has suffered a lot and has already undergone imprisonment of 8 months and 5 days out of the total sentence.

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 and in view of the fact that petitioner is only bread earner of the family and is suffering from long protracted criminal proceedings since 2012 i.e. for the last about four years and in view of the fact the petitioner has already undergone imprisonment of 8 months and 5 days out of the total sentence, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and default thereof, will remain the same.

Therefore, the present revision petition stands partly allowed.

Petitioner Ravi alias Sonu, who is in custody, be released forthwith if his custody is not required in connection with any other case, subject to payment of fine, if already not paid.

May 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE