

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 237

ANKUR GOYAL
I attest to the accuracy and
authenticity of this document

Criminal Revision No.2414 of 2016 (O&M)

Date of Decision: September 01, 2016

Sanjeev Nayyer

..... PETITIONER

VERSUS

State of Union Territory, Chandigarh

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Simranjeet Singh, Advocate, for the petitioner.

Mr. Amandeep Singh Gill, Addl. P.P., U.T. Chandigarh.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Sanjeev Nayyer challenging judgment/Order dated August 24, 2015 passed by the Judicial Magistrate 1st Class, Chandigarh, in case bearing FIR No.448 dated September 28, 2007, under Sections 420, 201 of IPC & 12-B Passport Act, 1967, registered at Police Station Sector 34, Chandigarh as well as judgment dated May 24, 2016 passed by learned Additional Sessions Judge, Chandigarh. Vide judgment/order dated August 24, 2015, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (S.I.)
Sanjeev Nayyer	420 IPC	03 years	5000/-	01 Month

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated May 24, 2016 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioner filed this revision petition.

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 upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for a period of more than 08 years & 11 months after registration of the instant case; is a poor person and is a sole bread winner of the family. The petitioner has already suffered incarceration for a period of 02 years, 03 months & 07 days, as is evident from custody certificate dated August 16, 2016. Thus, this Court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

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 be released forthwith.

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

CRM No. 20264 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 01, 2016
Ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No