

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

**CRR No.2498 of 2016 (O&M)
Date of Decision: October 18, 2016**

Ravi

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Singh Jattan, Advocate for
Mr.Kanhiya Soni, Legal Aid counsel
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ravi against respondent State of Haryana, challenging the impugned judgment of conviction dated 02.08.2014 and order of sentence dated 05.08.2014 passed by learned Chief Judicial Magistrate, Ambala, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of ₹5000/- and in default of payment, to undergo rigorous imprisonment for a period of six months under Section 454 IPC and further to undergo rigorous imprisonment for a period of three years and to pay fine of ₹2000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of three months under Section 380 read with

Section 511 IPC and also challenging the judgment dated 05.11.2015 passed

by learned Addl. Sessions Judge, Ambala, vide which appeal filed by petitioner was dismissed. Both the sentences were ordered to run concurrently.

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.

From the record, I find that the challan was presented against petitioner in case FIR No.158 dated 20.04.2014. The brief facts of the case as noted down in the judgment passed by learned CJM, Ambala, are as under:-

“2 The prosecution case is based upon a complaint moved by the complainant Mahesh Gulati in which it had been alleged that he was a resident of Friends Colony, Ambala Cantt., and one Smt. Pushpa Gulati was his neighbour, who had gone to Delhi for the last one day. On 20.4.2014 at about 11:30 am, the locks of the door had been found open on which the complainant became suspicious and he along-with Akash Gulati and Gagan Gulati went inside and saw that a young person having wheatish complexion was searching the household articles with an intention to commit theft. The said person was caught and he told his name as Ravi, son of Balbir Singh.”

Learned CJM, Ambala, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Ambala, vide judgment dated 05.11.2015.

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

Learned counsel for the petitioner argued that petitioner is first offender, only bread earner of the family and he is suffering from the criminal proceedings since 2014. Learned counsel for the petitioner further contended that petitioner has already undergone actual sentence of 2 years 7 months and 9 days

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, nature of the offence and in view of the fact that the petitioner is first offender, only bread earner of the family and in view of the fact the petitioner is suffering from long protracted criminal proceedings since 2014 i.e. for the last two years and keeping in view the fact that the petitioner has already undergone substantial sentence of 2 years 7 months 9 days including remission of 5 months and 4 days, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and in default thereof, will remain the same.

Resultantly, the present revision petition stands partly allowed.

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

October 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No