

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.25 of 2016 (O&M)

Date of decision: 07.01.2016

Sukhwant Singh

.....Petitioner

versus

State of Punjab

.....Respondent

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.S.S.Rana, Advocate for the petitioner

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

**Kuldip Singh, J. (Oral)**

Impugned in the present revision is the judgment and order dated 7.12.2015, passed by the learned Sessions Judge, Amritsar, upholding the judgment and order dated 21.7.2015, passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Amritsar, vide which, the present petitioner was convicted under Section 411 IPC and sentenced to undergo RI for six months and fine of Rs.1000/-. In default thereof, to further SI for seven days.

I have heard learned counsel for the petitioner and have also carefully gone through the file.

It comes out that accused was allegedly found in possession of a stolen Activa scooter belonging to the complainant.

Learned counsel for the petitioner contends that in this

case, according to I.O. the accused was apprehended first and then the complainant was informed. Therefore, FIR was registered after the recovery.

I am of the view that this does not matter. The fact remains that the accused could not prove that he owns the scooter. According to the complainant, the scooter was stolen and before he could approach the police, the scooter was recovered from the possession of the present accused. There is no illegality in the findings recorded by both the Courts below

Learned counsel for the petitioner further contends that the accused is the first offender and keeping in view his age, family background and the previous history, he should be released on probation.

I am of the view that in such cases, it is necessary that a deterring punishment should be given so as to prevent the accused from going on the wrong path.

It being so, I do not find any ground to grant the probation to the accused.

Resultantly, the revision petition is dismissed.

**07.01.2016**  
*gk*

**(Kuldip Singh)**  
**Judge**