

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

CRR-3813 of 2015 (O&M)

Date of Decision: May 13, 2016.

Satpal Singh and others

....Petitioners

Versus

State of Punjab.

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. H.S.Batth, Advocate
for the petitioners.

Ms.Rajni Gupta, Addl.A.G, Punjab

Rajan Gupta, J (Oral)

Petitioners had been convicted by Judicial Magistrate Ist Class, Bathinda under Sections 454 & 380 IPC and were sentenced to undergo imprisonment as under:-

Offence	Sentence
454/34 IPC	To undergo R.I for one year and to pay fine of Rs.5000/-.
380/34 IPC	To undergo R.I for one year and to pay fine of Rs.5000/-.

The petitioners preferred appeal before Additional Sessions Judge, Bathinda against the judgment of his conviction/sentence and the same was dismissed vide judgment dated 22.9.2015. Feeling aggrieved against the judgments of both the courts below, petitioners have approached this court through the instant criminal revision.

Learned counsel for the petitioners at the outset states that he

is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel on the other hand submits that in case conviction of petitioners are maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:-

On 14.7.2010, ASI-Baldev Singh alongwith police party were on patrolling duty. Complainant Ram Lal Gargi came present and got recorded his statement to the effect that on 12.7.2010, he alongwith his family members had gone to Rajasthan at holy place after locking their house. When they returned on 13.7.2010, they found that main gate of their house was lying semi open. They found some cash (Rs.5000/-), household articles and ATM cards of family members had been stolen from their house. On the basis of statement, FIR was registered. After some time, accused (petitioners herein) were arrested and challan was presented.

Finding prima facie case under Sections 454/380/34 IPC, charge was framed against the accused/petitioners to which they pleaded not guilty and claimed trial.

To substantiates its case against the accused, the prosecution examined as many as eight witnesses.

The statement of the accused under Section 313 Cr.P.C were recorded, wherein all the incriminating evidence available on record was

put to them. They refuted the same and pleaded false implication. The accused, however, did not examine any witness in their defence.

On the basis of evidence on record, learned trial court held the petitioners guilty of the charges under Sections 454 & 380/34 IPC and sentenced them as already indicated above. The appeal filed against the said judgment was also dismissed by Additional Sessions Judge, Bathinda vide orders dated 22.9.2015.

On perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioners guilty of the charge framed against them. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioners is, thus, affirmed.

Even counsel for the petitioners, during the course of arguments has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioners are poor persons and main bread winners of their family. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Sukhwinder Singh, Superintendent, Central Jail, Bathinda, according to which the petitioners had undergone actual custody as under:-

Satpal Singh= 9 months and 29 days.

Amar Singh= 8 months and 23 days.

Avtar Singh= 7 months and 26 days.

Keeping in view the facts and circumstances of the case, it is

directed that the sentence awarded to the petitioners shall be reduced to the period already undergone. Sentence of fine is maintained as such.

Except with modification in the quantum of sentence as indicated herein above, the revision petition is dismissed.

(Rajan Gupta)
Judge

May 13, 2016.
BB