

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

**CRR No. 3918 of 2014 (O&M)
DECIDED ON: OCTOBER 06, 2016**

LAKHBIR SINGH

.... PETITIONER

VERSUS

STATE OF PUNJAB

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.S. Thind, Advocate
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH.J

Challenge in this revision petition is to the judgment/order dated October 14, 2014 passed by learned Additional Sessions Judge, Amritsar whereby judgment of conviction and order of sentence dated January 15, 2014 passed by learned Sub Divisional Judicial Magistrate, Ajnala was upheld vide which petitioner has been convicted under Section 419 IPC and has been sentenced to undergo simple imprisonment for a period of two years alongwith fine and in default of payment of fine to further undergo simple imprisonment for a period of 7 days.

2. At the very outset of arguments, it has been contended by learned counsel for the petitioner that he does not challenge the conviction on merits and only confines his relief qua quantum of sentence.

3. Since, learned counsel for the petitioner has not disputed the

order of conviction passed by learned trial Court and upheld by First Appellate Court, therefore, this Court does not intend to go in detail with regard to the factual aspects of the case. This Court has also scrutinized the impugned judgments as well as the relevant documents/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 is concerned. As such, the conviction of the petitioner is upheld.

4. 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. Undisputably, petitioner is facing the pains and strains of protracted trial since 2007 and further that he has already suffered incarceration for a period more than 01 year, out of total substantive sentence for a period of two years, as is evidence from the custody certificate dated October 06, 2016. Besides, it petitioner has asserted himself not to be previous convict, he is the only bread winner in the family. Moreover, during trial and pendency of instant petition he never misused the concession of bail/remission/parole, which shows that he is in process of improving himself, therefore, some concession in substantive sentence can be extended to him. 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.

5. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while

affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in the fine clause. Petitioner is hereby, directed to be released forthwith.

6. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

CRM No. 37154 of 2014

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.

OCTOBER 06, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned Yes

Whether Reportable No