

Criminal Revision No.3980 of 2015 (O & M)

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 233

Criminal Revision No.3980 of 2015 (O & M)

Date of Decision: August 12, 2016

PHOOL SINGH

..... PETITIONER

VERSUS

STATE OF HARYANA

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Sajjan Singh Malik, Advocate, for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Phool Singh challenging judgment of conviction dated November 10, 2012 and order of sentence dated November 12, 2012, passed by the Chief Judicial Magistrate, Sonapat, in case bearing FIR No.307, dated September 30, 2006, under Sections 419, 420, 467, 468, 471 & 120-B of IPC, registered at Police Station City, Sonapat as well as judgment dated September 04, 2015 passed by learned Additional Sessions Judge, Sonapat. Vide judgment of conviction dated November 10, 2012 and order of sentence dated November 12, 2012, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Phool Singh	419 IPC	3 years	3,000/-	15 days
	467 IPC	3 years	3,000/-	15 days
	468 IPC	3 years	3,000/-	15 days
	471 IPC	3 years	3,000/-	15 days

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated September 04, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the courts below petitioner filed this revision petition.

2. While issuing notice of motion on October 16, 2015, following order was passed by a Co-ordinate Bench of this Court:-

“Challenge in this criminal revision petition is to the judgment dated 04.09.2015 passed by learned Additional Sessions Judge, Sonapat, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offences punishable under Sections 419, 467, 468 and 471, IPC, recorded by learned Chief Judicial Magistrate, Sonapat, was dismissed.

At the very outset, learned counsel for the petitioner contends that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is on higher side.

Notice of motion for 18.12.2015 with regard to quantum of sentence only.”

3. 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.

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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. Apart from the fact that petitioner is facing the agony of protracted trial for approximately 10 years after registration of the instant case and is a sole bread winner of the family. Moreover, petitioner has already suffered incarceration for a period of 01 years, 04 months and 12 days (including remission), as is evident from custody certificate dated July 18/19, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

5. 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.

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

CRM No. 34524 of 2015

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.

August 12, 2016
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(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No