

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 306 of 2016 (O/M)
Date of decision : 25.1.2016

Sumit Kumar		 Revisionist
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Munish Gupta, Advocate, for the revisionist.

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KULDIP SINGH J. (ORAL)

The revisionist alongwith two other co-accused was convicted under Section 411 IPC, vide judgment of conviction and order of sentence dated 1.8.2014, passed by the learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri. He was sentenced to undergo rigorous imprisonment for six months and fine of Rs. 5,000/-, in default thereof, to further undergo simple imprisonment for one month. The appeal filed by the present revisionist was dismissed by the learned Sessions Judge, Yamuna Nagar at Jagadhri, vide judgment dated 13.1.2016. The fine is stated to have been deposited before the lower Court.

The learned counsel for the revisionist does not challenge the judgments of both the Courts below on merits and has prayed that the revisionist should be released on probation, being first offender. The stolen vehicle was an Indica car. Three persons were found in possession of the same. Before the lower Court, a

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plea was taken that the revisionist is a poor person and he is to look after his family. No previous conviction was reported against the revisionist.

Keeping in view that the sentence is of six months rigorous imprisonment only and also the fact that no previous conviction has been reported against the revisionist and that he belongs to poor strata of society, this Court feels that he should be given a chance to reform himself. Therefore, while maintaining the conviction of the present revisionist under Section 411 IPC, his sentence is set aside and instead, he is ordered to be released on probation on executing probation bond in the sum of Rs. 20,000/- with one surety of the like amount under Section 4(1) of Probation of Offenders Act, 1958, to the satisfaction of the learned Chief Judicial Magistrate, Jagadhri, with an undertaking to maintain peace and be of good behaviour and not to commit any crime of similar nature for a period of one year and shall receive the sentence, which may be passed against him, if he violates the condition of the probation bond.

With this modification, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

25.1.2016.
sjks