

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-4381-2015 (O & M)
Date of decision:20.05.2016

Ranjit Singh alias Rana
...Petitioner(s)

Versus

State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vipul Aggarwal, Advocate,
for the petitioner(s).

Mr. Shilesh Gupta, Addl.A.G., Punjab.

Rajan Gupta, J. (oral)

Petitioner Ranjit Singh alias Rana had been convicted by the Judicial Magistrate Ist Class, Amritsar, under sections 411, 468 and 471 IPC and was sentenced to undergo imprisonment as under:-

Offence	Sentence
411 IPC	To undergo R.I. for one and a half year.
468 IPC	To undergo R.I. for one and a half year and to pay fine of ₹1000/- and in default thereof to further undergo S.I. for seven days.
471 IPC	To undergo R.I. for one and a half year and to pay fine of ₹1000/- and in default thereof to further undergo S.I. for seven days.

The petitioner preferred appeal against the judgment of his conviction/sentence, which was dismissed by the Additional Sessions Judge, Amritsar, vide judgment dated 29.09.2015.

Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant

Criminal Revision.

Learned counsel for the petitioner submits that the petitioner is not involved in any other case of similar nature. Out of substantive sentence of one and a half year awarded to the petitioner, he has already undergone more than six months.

Learned counsel for the petitioner 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 petitioner is 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 13.11.2006 Inspector Gurjit singh alongwith other police personnel was present at Chowk Malkan Butt. They received a secret information that petitioner-Ranjit Singh alongwith other co-accused had organized a gang and used to steal motor cycles from area around Golden Temple. On the basis of this information, they laid a naka. At that time, three persons came on a motor cycle. They disclosed their names as Vishal @ Rinku, Ranjit Singh Rana (petitioner herein) and Sunil Kumar @ Banty. Motor cycle was bearing No.PB-46-1734 but they failed to show any relevant document of the motor cycle. Motor cycle was taken into custody.

Petitioner alongwith co-accused suffered disclosure statement and

they got recovered stolen motor cycles. Investigation was concluded, site plan of place of recovery was prepared and stolen articles were recovered. Thereafter, statement of witnesses under Section 161 Cr.P.C. was recorded. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under sections 411, 468 and 471 IPC, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as four witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of the evidence on record, learned trial court held the petitioner guilty of the charges under sections 411, 468 and 471 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Amritsar.

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 petitioner guilty of the charge framed against him. 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 petitioner is, thus,

affirmed.

Even counsel for the petitioner, 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 petitioner is a sole bread winner of his family having old age parents. 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 Ravinder Kumar Sharma, PPS, Superintendent, Central Jail, Amritsar, according to which the petitioner had undergone actual custody of more than four months as on 13.01.2016. He on instructions from H.C. Major Singh submits that conduct of the petitioner has been kept under watch during the period he was on interim bail. He has not committed any offence of similar nature in the interregnum.

Incident occurred 09 years ago in which the accused was found guilty of offence under Sections 411, 468 and 471 IPC. Stand of the State is that in case this court intends to maintain the conviction of the petitioner and reduce the quantum of sentence to that already undergone, State would have no reason to stand in the way of such orders.

Thus, keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. However, fine imposed shall remain intact.

The amount of fine if not already paid shall be deposited within three months from the date of receipt of certified copy of this order. However, in case fine is not deposited within the stipulated period, the modification in quantum of sentence shall stand withdrawn and the petitioner shall undergo the remaining period of sentence as awarded by the trial court. Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

20.05.2016
sukhpreet

(RAJAN GUPTA)
JUDGE