

CRR No. 3265 of 2016 (O&M)
DECIDED ON: DECEMBER 14, 2016

....PETITIONER

.....RESPONDENTS

2. At the very outset, 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) so far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.

4. So far as the 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 First Appellate Court. Undisputably, petitioner is facing the pains and strains of protracted trial since 2008 and has already suffered incarceration for a period more than 03 months, out of total substantive sentence for a period of one year. Besides it, petitioner has asserted himself not to be a previous convict, he is the only bread winner in the family.

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 reduced from one year to eight months, with no change in the fine clause.

6. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed. The period already undergone by the petitioner be set off from the substantive sentence of one year.

DECEMBER 14, 2016

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Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No

(JASPAL SINGH)
JUDGE