

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

**CRL. REVISION No.3495 OF 2016 (O&M)
DATE OF DECISION : 29TH SEPTEMBER, 2016**

Mani Dabla

.... Petitioner

Versus

State of Haryana

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Jagjot Singh Lalli for the petitioner.

Ms. Tanu Shree Gupta, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

Rule heard forthwith with consent of counsel for the rival parties.

Custody certificate filed by the State is taken on record.

In FIR No.499 dated 21.05.2013 registered under Section 379 at Police Station City Karnal, the petitioner was tried by the learned Magistrate but the petitioner pleaded guilty and was convicted for simple imprisonment for 1 year.

Learned counsel for the petitioner submits that the petitioner does not intend to challenge the conviction awarded to him but since he has already undergone sentence of 9 months 24 days he may be released on the sentence already undergone by him. He further submits that in one more FIR he was convicted and he has completed sentence of 1 year in that FIR.

Having regard to the entire matter and the factual aspect involved, namely that the petitioner was the receiver of the stolen property i.e. Honda Activa and Motorcycle and further fact that the counsel for the petitioner states that the petitioner has hereafter no intention to commit such type of offence in future, I think the sentence of 9 months 24 days undergone by him in the present FIR will subserve the interest of justice and there is no need for his further detention.

In that view of the matter, following order is passed:

ORDER

- (i) CRL. REVISION No.3495 OF 2016 is partly allowed.
- (ii) The judgment and order of the courts below convicting the petitioner for offence under Section 411 IPC, are confirmed.
- (iii) The judgment and order of sentence convicting the petitioner for simple imprisonment for 1 year, is set aside and modified and the petitioner is sentenced to the period one already he has undergone namely 9 months 24 days.
- (iv) The petitioner shall be released forthwith, if not required in any other case.

29TH SEPTEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No.