

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

**CRR No.4680 of 2015 (O&M)
Date of Decision: April 06, 2016**

Ramesh Kumar

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.S. Cooner, Advocate for the petitioner.

Ms. Supriya Arora, AAG, Haryana.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

Impugned in the present revision petition is the judgment dated 17.10.2015 passed by learned Addl. Sessions Judge, Ambala, affirming the judgment of conviction and order of sentence dated 15.01.2015 passed by learned Judicial Magistrate 1st Class, Ambala, vide which the present petitioner was convicted for the commission of offence punishable under Section 409 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹1,000/-, in default thereof to further undergo rigorous imprisonment for one month.

The brief facts of the case are that the present petitioner was working as Constable in Haryana Police. He was issued 9 m.m. pistol with 30 cartridges, which he did not deposit back and are alleged to have been misappropriated. The prosecution version was

proved before the lower court and learned Magistrate convicted and sentenced the petitioner as aforesaid.

The appeal filed by the petitioner was dismissed by learned Addl. Sessions Judge vide judgment dated 17.10.2015.

I have heard learned counsel for the parties and have also carefully gone through the case file.

A perusal of custody certificate of the petitioner shows that the petitioner has already undergone the actual sentence of 4 months, 12 days and 6 months, 18 days are including remission.

Notice of motion was issued regarding quantum of sentence only.

Learned counsel for the petitioner contends that the petitioner has already lost his job. He is to support his family. Therefore, the leniency in the sentence may be shown.

It is further contended that the said weapon has not reported to have been misused till date.

Keeping in view the entirety of the facts and circumstances of the case and also the fact that the petitioner has lost his job, the sentence awarded to the petitioner for the commission of offence punishable under Section 409 IPC is reduced from two years to one year. However, the remaining part of the sentence is kept intact.

With the aforesaid modification, the present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

April 06, 2016

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