

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 235

**Criminal Revision No.4743 of 2015 (O&M)**

**Date of Decision: *July 27, 2016***

Ram Gopal

..... PETITIONER

*VERSUS*

State of Punjab

..... RESPONDENT

. . .

CORAM:        HON'BLE MR. JUSTICE JASPAL SINGH

. . .

**PRESENT:** -    Mr. Ramandeep, Advocate, for H.S. Dhindsa, Advocate, for the  
petitioner.

Mr. J.S. Sekhon, Assistant Advocate General, Punjab.

. . .

**Jaspal Singh, J.**

1.                    The instant revision has been preferred by Ram Gopal challenging judgment(s)/Order(s) dated March 13, 2014 passed by the Judicial Magistrate 1<sup>st</sup> Class, Phagwara, in case bearing FIR No.229 dated September 27, 2008 under Sections 420/406 IPC and 24 of the Immigration Act, 1971, Police Station Sadar, Phagwara as well as judgment dated October 26, 2015 passed by learned Additional Sessions Judge, Kapurthala. Vide judgment/order dated March 13, 2014, he was convicted and sentenced as under:-

| Name of Accused | U/s     | RI        | Fine (₹ ) | In default (R.I.) |
|-----------------|---------|-----------|-----------|-------------------|
| Ram Gopal       | 420 IPC | Two years | 2000/-    | Three months      |

Dis-satisfied with the aforesaid judgment/order of conviction and sentence, the accused – petitioner preferred an appeal wherein, the Lower Appellate Court vide judgment dated October 26, 2015, upheld the conviction, however, reduced the sentence as under:-

| Name of Accused | U/s     | RI       | Fine (₹ ) | In default (R.I.) |
|-----------------|---------|----------|-----------|-------------------|
| Ram Gopal       | 420 IPC | 1½ years | 200/-     | Three months      |

Aggrieved from the judgments passed by both the Courts below petitioner filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

3. As far as 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 lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for the last approximately 7 years & 10 months after registration of the instant case; is 48 years old; is a poor person having two school going children; is a sole bread winner of the family and only source for livelihood for their old aged parents. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who has already suffered incarceration for a period of one years & 12 days, as is evident from custody certificate dated July 26, 2016. Thus, this Court is of the considered

view that a chance be given to the petitioner to reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner shall be released forthwith.

5. With the above modification in sentence, revision petition stands dismissed.

**CRM No. 39984 of 2015**

Since, the main petition has been decided, instant application is disposed of as having been rendered infructuous.

**July 27, 2016**  
avin/

**(Jaspal Singh)**  
**Judge**

**Whether Speaking/Reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**