

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3651 of 2016 (O&M)

Date of decision: 10.11.2016

Suresh Kumar @ Gagi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner(s).

Mr. Mehardeep Singh, Addl. A.G., Punjab

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioner has assailed the judgment dated 12.09.2016, vide which, learned Addl. Sessions Judge, Barnala, upheld the judgment of conviction and order of sentence dated 13.09.2013, passed by learned Judicial Magistrate 1st Class, Barnala, whereby the petitioner has been convicted and sentenced as under:-

Name of Convict	Under Section(s)	Sentence(s)
Suresh Kumar @ Gagi	379 read with Section 120-B IPC	RI for 6 months and fine ₹250/-, in default thereof RI for 5 days.
	411 IPC	RI for 6 months and fine ₹250/-, in default thereof RI for 5 days.

The accused was charge sheeted under Sections 379, 411 and 120-B of the IPC, to which he pleaded not guilty and claimed trial.

In support of the case of prosecution, it examined PW-1 SI Kulwant Singh; PW-2 Bharat Bhushan Manon; and PW-3 ASI Harmeet Singh.

The statement of the accused under Section 313 Cr.P.C., was recorded. He pleaded innocence and alleged false implication. In his defence, he did not lead any evidence.

After hearing the Addl. Public Prosecutor, the counsel for the accused, and after going through the evidence on record, the trial Court convicted and sentenced the accused/petitioner, as narrated above.

The appeal filed by the petitioner was also dismissed vide impugned judgment dated 12.09.2016. Feeling aggrieved against the judgments of both the Courts below, the instant revision was filed by the accused/petitioner.

The learned counsel for the petitioner does not press the revision petition on merits and has submitted that the petitioner has suffered protracted trial since the year 2010. Petitioner has already undergone actual sentence of 01 month and 27 days out of substantive sentence of six months. The petitioner is not involved in any other FIR. Thus, the learned counsel prays for a lenient view on the quantum of sentence imposed by the trial Court.

On the other hand, the learned State counsel opposes the prayer of petitioner/accused and supported the judgment of conviction and order of sentence passed by the Courts below.

I have heard the arguments of the learned counsel for the parties and have carefully gone through the record of the case.

The prosecution case is fully proved by the statements of the prosecution witnesses. There is no flaw in the unassailed judgments of conviction. There is no merit in the present revision petition which is hereby dismissed on merits. However, there is substance in the arguments of learned counsel for the petitioner so far as quantum of sentence is concerned.

The petitioner has suffered agony of protracted trial since the year 2010. It is one of the mitigating circumstances which enables them to be treated leniently. The petitioner has already undergone 1 month and 27 days of actual sentence, out of the substantive sentence of six months. He is not involved in any other FIR. In view of the above, the prayer made on behalf of the petitioner is accepted. The sentence awarded to the petitioner is ordered to be reduced to the period already undergone.

Ordered accordingly.

However, amount of ₹25,000/- towards compensation shall be paid to complainant, Bharat Bhushan Manon by petitioner, within three months from the date of receipt of certified copy of the

order. It is made clear that if the amount is not paid within the stipulated period, the present revision petition shall be deemed to be dismissed without any notice.

10.11.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No