

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-671-2015 (O&M)
Date of decision: 21.09.2016

Chhuttan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhimanyu Singh, Advocate for the petitioner(s).

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Satish Chaudhary, Advocate for respondent No.2.

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioner has assailed the judgment dated 08.01.2015, vide which, learned Sessions Judge, Mewat, upheld judgment and order dated 27.04.2013, passed by learned Sub Divisional Judicial Magistrate, Ferozepur Jhirka, whereby, the petitioner was convicted under Section 420 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of two years along with fine of Rs.1,500/- and in default of payment of fine, to further undergo rigorous imprisonment for two months.

On 29.10.2015, the following order was passed:-

“The petitioner/convict has filed the present revision petition against the orders passed by both the Courts below whereby he has been convicted and

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authenticity of this document
Chandigarh

sentenced for two years rigorous imprisonment for offence punishable under Section 420 of the Indian Penal Code.

Custody certificate by way of affidavit dated 15.10.2015 of Sh. Devi Dayal, Dy. Supdt., District Jail, Gurgaon, has been filed in Court today, which is taken on record.

It is stated that the total amount involved is Rs. 44,537/-.

Learned counsel for the petitioner has brought a sum of Rs.44,535/- payable by way of demand draft in the name of the complainant-Rahmati wife of Jom Khan towards an amicable settlement. The said draft has been tendered and accepted by the counsel on behalf of the complainant. A photocopy of the same has been retained for the purpose of record.

It is contended that the petitioner has undergone nine months and fifteen days of incarceration and therefore, prayer is for reduction of the quantum of sentence in the light of the payments made to the complainant.

List on 11.12.2015 for further consideration.

On the next date of hearing, the petitioner shall bring an amount of Rs. 20,000/- towards interest.

In the meanwhile, the remaining sentence of the petitioner shall remain suspended. It is ordered that the petitioner be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the CJM/Duty Magistrate, concerned.”

Learned counsel for the petitioner does not press the revision petition on merits and has submitted that in terms of the settlement reached

between the parties, a lenient view may be taken in the matter of sentence. Even otherwise, this Court has re-scanned the entire record and finds no infirmity in the impugned judgments thereby recording conviction of the petitioner under Section 420 IPC. However, as regards the reduction of sentence, this Court is inclined to take a lenient view.

As is evident from the perusal of order dated 29.10.2015, the petitioner had prepared a demand draft in favour of respondent No.2 for an amount of Rs.44,535/- which was accepted by learned counsel for the complainant. However, the same could not be encashed as it was presented after its validity had already expired. The amount of Rs.20,000/- towards interest has also not been furnished.

Learned counsel undertakes to get the demand draft revalidated and hand over the same to respondent No.2 within three weeks from today along with interest at the rate of 6% per annum.

Custody certificate dated 20.09.2016, issued by the Deputy Superintendent, District Jail, Gurgaon, has been filed in the Court, and is taken on record. As per the custody certificate, the petitioner has already undergone 09 months and 19 days (01 year, 01 month and 18 days including remissions) out of the substantive sentence of 02 years. The sentence of applicant/appellants has already been suspended by this Court vide order dated 29.10.2015.

Learned State counsel is not opposed to the prayer made.

Keeping in view the fact that the grouse of respondent No.2 is fully redressed and the petitioner has already undergone substantive part of his sentence, 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, it is made clear that in case, the amount is not paid within the stipulated period, the present revision petition shall be deemed to be dismissed without further notice.

21.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No