

Criminal Revision No.4257 of 2016 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 211

Criminal Revision No.4257 of 2016 (O&M)

Date of Decision: *December 17, 2016*

HARBANS SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Vishal Sharma, Advocate, for the petitioner.

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

. . .

Jaspal Singh, J.

CRM No.36281 of 2016

Application is allowed as prayed for.

Main Case

1. The instant revision petition has been preferred by Harbans Singh against judgment dated October 19, 2016, passed by learned Additional Sessions Judge, Sri Muktsar Sahib, whereby judgment of conviction and order of sentence dated December 16, 2014, passed by the Additional Chief Judicial Magistrate, Sri Muktsar Sahib, in case bearing FIR No.84 dated June 26, 2010, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Sadar Sri Muktsar Sahib has been upheld. The petitioner was convicted and sentenced by the trial court as under:-

Criminal Revision No.4257 of 2016 (O&M)

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Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Harbans Singh	420/120B IPC	One year	200/-	Seven Days
	467/120B IPC	Two years	300/-	Seven Days
	471/120-B IPC	One year	200/-	Seven Days

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 19, 2016, upheld the conviction, however, reduced the sentence as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Harbans Singh	420/120B IPC	One year	200/-	Seven Days
	467/120B IPC	One year & Six Months	300/-	Seven Days
	471/120-B IPC	One year	200/-	Seven Days

2. While issuing notice of motion on November 18, 2016, following order was passed by a coordinate Bench of this Court:-

“Learned counsel states that this revision has been filed against the concurrent conviction of the petitioner and he does not wish to press this revision on merits but in view of the facts and circumstances of the case there may be some scope in reduction of sentence.

Notice of motion only qua quantum of sentence.

On the asking of the Court, Mr. K.S.Pannu, DAG, Punjab, accepts notice on behalf of the respondent-State. Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned Deputy Advocate General, Punjab during the course of the day.

Adjourned to 08.12.2016.”

3. This Court has also scrutinized the impugned judgment(s) 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.

Criminal Revision No.4257 of 2016 (O&M)

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a merciful view in the matter of sentence awarded by the trial court and reduced by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for a period of approximately 06 years & 06 months after registration of the instant case; is a poor person and is a sole bread winner of the family. Accused – petitioner is also first offender. Moreover, petitioner had already suffered incarceration for a period of 07 months & 17 days, as is evident from custody certificate dated December 14, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

5. 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.

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

CRM No. 36282 of 2016

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

December 17, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No