

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.46 of 2016 (O&M)

Date of Decision: March 14, 2016

Abdul Rashid

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Narinder Kumar Vashist, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Abdul Rashid against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 13.11.2014 passed by learned Chief Judicial Magistrate, Pathankot, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 380 IPC and also challenging the judgment dated 08.10.2015 passed by learned Addl. Sessions Judge, Pathankot, vide which appeal filed by petitioner was dismissed but the sentence imposed upon the petitioner was reduced and he was

directed to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 380 IPC.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and contended only on the point of reduction of sentence. Notice of motion was issued only qua quantum of sentence.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

At the time of arguments, learned counsel for the petitioner contended that petitioner is first offender, poor person and only bread earner of the family and he is suffering from criminal proceedings since 2009.

Keeping in view the nature of the offence that the petitioner has been convicted under Section 380 IPC, only two pairs of child wrist rings and one Saree decorated ring have been recovered and in view of the fact the petitioner is stated to be first offender, poor person and only bread earner of the family and the fact that he is suffering from long protracted criminal proceedings for the last seven years, I take lenient view regarding the sentence. As the petitioner has already undergone imprisonment of five months and six days out of the total sentence and has also earned remission of 20 days, therefore, the sentence of the petitioner is reduced to the sentence already undergone by him. Petitioner Abdul Rashid, who is in

custody, be released forthwith, if his custody is not required in any other case, subject to payment of fine, if already not paid.

Resultantly, present revision petition stands partly accepted.

March 14, 2016
Vgulati

(INDERJIT SINGH)
JUDGE