

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.609 of 2016 (O&M)

.....

Date of decision:15.2.2016

Anil Mukhiya

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 29.1.2016 passed by learned Additional Sessions Judge, Gurgaon, whereby the appeal filed against the impugned judgment of conviction and order of sentence dated 20.5.2015 passed by learned Judicial Magistrate Ist Class, Gurgaon, convicting the petitioner for the offences under Sections 392 and 394 IPC and sentencing him to under rigorous imprisonment for one and half years and to pay fine of ₹2,000/- and in default of payment of fine to further under rigorous imprisonment for three months on two counts for the offences under Sections 392 and 394 IPC, has been dismissed.

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

From the record, I find that challan has been presented against Anil Mukhiya-present petitioner in FIR No.174 dated 1.5.2013 registered for the offences under Sections 392 and 394 IPC at Police Station DLF Phase II, Gurgaon.

As per the prosecution version, on 1.5.2013 information was received that one three wheeler driver had robbed a lady at Neelkanth red light. On this information, ASI Lakhpai Rai along with other police officials reached Neelkanth Hospital, where complainant Ijjat Aara gave a complaint to the effect that on 1.5.2013, she came to Neelkanth Hospital from Kapashera in a three wheeler. The driver dropped her and while she was paying him the fare, he snatched her bag. She caught his neck, but he gave a fist and a kick to her because of which she fell down and the driver ran away with her brown colour bag containing ₹35,000/-, one ATM card, some documents, keys and hospital bills. The three-wheeler was bearing registration No.HR-55P-2457. On the basis of this information, FIR was registered after recording the statement of the witnesses and after completion of the investigation, challan was presented in the Court.

The learned Judicial Magistrate Ist Class, Gurgaon, vide judgment dated 20.5.2015 convicted and sentenced the present petitioner for the offences under Sections 392 and 394 IPC and sentenced him as mentioned above. Aggrieved from this judgment and order, an appeal was filed before the learned Sessions Court and the learned Additional Sessions Judge, Gurgaon dismissed the appeal.

At the time of arguments, learned counsel for the petitioner

could not point out as to which material evidence has not been considered and discussed in the right perspective or which material evidence has been misread by the Courts below. The learned counsel for the petitioner also could not show anything as to how the findings given by the Courts below are perverse or against the evidence. He also could not show as to how the findings are against the law.

In the revision petition, the Court is only to see as to what illegality has been committed by the Courts below while passing the impugned judgments or the findings are perverse or against the evidence or similarly which material evidence has been misread and which material evidence has not been considered by the Courts below. There is nothing on the record to show that the findings are perverse or illegal or any evidence has been misread or not considered by the Courts below.

After the arrest of the accused, ATM card had been recovered from him. As per prosecution, currency notes of ₹15,000/- had been recovered from him. The complainant also identified the accused in the Court. The PWs have duly proved the prosecution version beyond reasonable doubt.

The judgments of conviction passed by both the Courts below are correct as per evidence and law and do not require any interference from this Court.

At the time of arguments, learned counsel for the petitioner also prayed that a lenient view should be taken regarding the quantum of sentence.

Keeping in view the facts and circumstances of the present case that a three wheeler driver robbed the complainant, who is a lady and snatched her bag, ATM card etc. and in view of the nature and gravity of the offences, I do not find it a fit case where the sentence of the revision petitioner is liable to be reduced.

Therefore, from the above discussion, I find that the judgments of conviction and the order of sentence passed by the Courts below are upheld.

Finding no merit in the criminal revision petition, the same is dismissed.

February 15, 2016.

(Inderjit Singh)
Judge

hsp