

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 77 of 2016 (O/M)
Date of decision : 11.1.2016

Vikas @ Vicky

..... Revisionist

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Bijender Dhankhar, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
- .- -.-

KULDIP SINGH J. (ORAL)

Impugned in the present revision is the judgment dated 7.12.2015, passed by the learned Additional Sessions Judge, Rohtak, vide which the appeal filed by the present revisionist was dismissed with modification in sentence. The learned Judicial Magistrate 1st Class, Rohtak, vide judgment of conviction dated 5.5.2015 and order of sentence dated 6.5.2015, had convicted the accused under Sections 411 and 420 IPC for allegedly keeping the possession of stolen motorcycle, on which a fake registration number plate was affixed by the accused,. The accused was sentenced to undergo rigorous imprisonment for one year and fine of Rs. 1,000/-, in default thereof, to further undergo imprisonment for one month under Section 411 IPC. He was also sentenced to

CRR No. 77 of 2016 (O/M)

undergo rigorous imprisonment for two years and fine of Rs. 1,000/-, in default thereof, to further undergo imprisonment for one month under Section 420 IPC. Both the sentences were ordered to run concurrently. The learned Additional Sessions Judge, Rohtak, while maintaining the sentence under Section 411 IPC, converted the sentence passed under Section 420 IPC to Section 482 IPC and sentenced the convict to undergo rigorous imprisonment for one year and fine of Rs. 1,000/-, in default thereof, to further undergo simple imprisonment for one month, vide judgment dated 7.12.2015. Both the sentences were ordered to run concurrently.

I have heard the learned counsel for the revisionist and have also carefully gone through the file.

The learned counsel for the revisionist has argued that in the statement of the accused/revisionist, recorded by the lower Court under Section 313 Cr.P.C., all the incriminating evidence were not put to him. He has produced the attested true copy of statement of accused/revisionist, recorded by the lower Court under Section 313 Cr.P.C. However, it comes out that such plea was neither taken before the lower Court nor before the first appellate Court and has been taken for the first time before this Court. The perusal of the statement of accused/revisionist, recorded under Section 313 Cr.P.C., shows that infact the detailed statement has not been recorded, but the substance thereof being found in possession of

CRR No. 77 of 2016 (O/M)

accused has been put to the accused. Therefore, no prejudice has been caused to him. The learned counsel for the revisionist has prayed that in case, the accused is found guilty, either his sentence be reduced or he be released on probation being the first offender.

In this case, the accused was found in possession of a stolen motorcycle. The papers of the motorcycle were found in the vehicle, but it was found that he had affixed a fake registration number plate on the motorcycle. This aggravating factor shows that the motorcycle with fake registration number plate might be used for some ulterior motive or for commission of some other crime. It being so, there is no ground to release the accused/revisionist on probation being the first offender. However, keeping in view the facts and circumstances that the accused/revisionist is first offender, his sentence of one year under Section 482 IPC and sentence of one year under Section 411 IPC is reduced to rigorous imprisonment for six months. The remaining part of the sentence is maintained.

With abovesaid modification, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

11.1.2016
sjks