

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 783 of 2016 (O&M)
DECIDED ON: APRIL 12, 2016

SURJIT SINGH @ DURJAN & ANR

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

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

for commission of offence punishable under Section 457 IPC alongwith some other offences.

2. On February 25, 2016, the following order was passed by this Court:-

“At the very outset, learned proxy counsel for the petitioners contends that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioners. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is on higher side.

Notice of motion for 11.03.2016 with regard to quantum of sentence only”.

3. Here it would be pertinent to mention that petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant documents/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 is concerned. As such, the conviction of the petitioner is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the appellate court. Apart from the fact that petitioner is facing the agony of protracted trial since 2011 after registration of the instant case, they belong to a poor family having small children. Moreover, petitioners have already suffered incarceration for a period of more than 11 months as on April 12, 2016 out of total substantive sentence of one year. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve themselves; to become a good citizen; and to lead a peaceful &

harmonious life.

5. Taking into consideration the above narrated discussion as well as the fact that petitioners have not challenged their conviction on merits, while affirming their conviction, the order of sentence is modified to the extent to the period already undergone by them.

6. With the aforesaid modification in the quantum of sentence, the revision petition stands dismissed.

CRM No. 6505 of 2016

In view of order passed in main revision petition, instant application has been rendered infructuous and is dismissed as such.

APRIL 12, 2016
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(JASPAL SINGH)
JUDGE