

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.870 of 2016 (O&M)

Date of decision: 31.05.2016

Jagjit Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Vikram Satpal Anand, Advocate for the petitioner
Mr.Ashish Sanghi, DAG Punjab

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

The petitioner was convicted by learned Sub Divisional Judicial Magistrate, Zira vide judgment of conviction and order of sentence dated 4.10.2014 under Sections 457, 380 read read with Section 511 IPC and 427 IPC and sentenced as under:-

<i>Under Section</i>	<i>Rigorous imprisonment for the period</i>	<i>Fine (Rupees)</i>	<i>Further rigorous imprisonment in default of payment of fine</i>
<i>457/511 IPC</i>	<i>2 ½ years</i>	<i>1000/-</i>	<i>One month</i>
<i>380/511 IPC</i>	<i>1 ½ years</i>	<i>1000/-</i>	<i>One month</i>
<i>427 IPC</i>	<i>1 year each</i>	<i>-</i>	<i>-</i>

The substantive sentences were ordered to run concurrently.

The appeal was dismissed by learned Additional Sessions Judge,

Ferozepur vide judgment dated 7.12.2015. In revision before this Court, notice was issued only on the quantum of sentence.

Heard.

Learned counsel for the appellant pleads that as per custody certificate, the petitioner has already undergone the actual sentence of 9 months and 28 days, which with remission comes to 10 months and 14 days. The allegations proved before the lower Court shows that the petitioner along with his two accomplices tried to break the ATM. They damaged the instrument and tried to take away the cash from ATM. However, they were unsuccessful.

Considering the facts and circumstances of the case and the fact that the petitioner was not previously arrested or sentenced in any case, substantive sentence of rigorous imprisonment for 2 ½ years under Section 457 read with Section 511 IPC is reduced to 1 ½ years. Sentence of fine under the said Section and sentence under the remaining sections is maintained.

With the above noted modification, the revision is dismissed.

31.05.2016

gk

(Kuldip Singh)

Judge