

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 257

Criminal Revision No.924 of 2016 (O & M)

Date of Decision: July 11, 2016

Harbans

..... PETITIONER

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?

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PRESENT: - Mr. J.S. Rozera, Advocate, for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

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Jaspal Singh, J

1. The instant revision has been preferred by Harbans challenging judgment dated February 11, 2016 passed by the lower appellate court whereby judgment of conviction dated August 07, 2015 and order of sentence dated August 11, 2015 passed by the trial court, in case bearing FIR No.166 dated July 06, 2011 under Sections 279, 337 IPC has been upheld, whereas sentence under Section 338 IPC has been modified/reduced to six

months from one year vide which, the accused – petitioner has been held guilty under Sections 279, 337, and 338 IPC and sentenced as under:-

U/S	Simple Imprisonment	Fine (₹)	In Default
279 IPC	6 months	-	-
337 IPC	6 months	-	-
338 IPC	Reduced to 06 months	1,000/-	1 month SI

2. While issuing notice of motion, the following order was passed on April 04, 2016:-

“Learned counsel for the petitioner does not dispute the concurrent findings of the Courts below regarding conviction. He contends only on the point of reduction of sentence.

Notice of motion only qua quantum of sentence for 12.04.2016.”

3. From the aforesaid order, it is clear that notice of motion was issued only qua sentence. This court has also scrutinized the impugned judgments as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in the impugned judgment(s) as far as the conviction of petitioner under aforesaid provisions of IPC is concerned. As such, the conviction of 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 lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for the last approximately 3 years after filing of the instant FIR, he is the only bread winner in the family and a source for livelihood for his old aged parents. Moreover, the petitioner has already suffered incarceration for a period of approximately 5 months, as on today, as is evident from custody certificate dated July 11, 2016. Thus,

this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed him by the courts below is reduced to already undergone, with no change in fine clause.

6. With the above modification in sentence, revision petition stands dismissed.

Crl. Misc. No.7763 of 2016

As the main petition itself has been decided, the instant application has been rendered infructuous and is disposed of as such.

July 11, 2016
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(Jaspal Singh)
Judge