

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.**

Crl. Revision No.971-2016 (O&M)

Date of decision: May 31, 2016

Parminder Singh @ Bhinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.L. Sammi, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J. (oral)

Petitioner Parminder Singh @ Bhinda had been convicted by the Judicial Magistrate 1st Class, Rajpura, under sections 411 IPC and was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.500/-.

Petitioner preferred appeal against the judgment of his conviction/sentence, which was dismissed by Additional Sessions Judge, Patiala, vide judgment dated 10.2.2016.

Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant Criminal Revision.

Learned counsel for the petitioner at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that

he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 5.12.2006, SI Ram Kumar along with his police party was present at Liberty Chowk, Rajpura for patrolling. In the meantime, from Patiala side, accused (petitioner herein) was seen coming on Motorcycle bearing No.PB-11AA-1650. On seeing the police officials, he tried to turn back but on suspicion, he was apprehended by the police party. Accused was asked to show documents of the motorcycle but he could not produce the same. On further inquiry, he disclosed that he had stolen the said motorcycle from SST Nagar, Patiala. Then accused was arrested. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Section 411 IPC, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as four witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record

was put to him. He refuted the incriminating circumstances and pleaded false implication. Accused, however, did not examine any witness in her defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge under section 411 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Patiala on 10.2.2016.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor person and main bread winner of his family. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Ramandeep Singh Bhangu, Deputy Superintendent, Central Jail, Patiala, according to which the petitioner has undergone custody of 06 months

and 24 days till date.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by him. However, the fine imposed by the trial court shall remain intact.

Except with the modification in the quantum of sentence, as indicated hereinabove, the appeal stands dismissed.

(RAJAN GUPTA)
JUDGE

May 31, 2016
'Rajpal'