

In the High Court of Punjab and Haryana at Chandigarh

CRR No.532 of 2010

Date of Decision:-September 1, 2017

Raju Parshad

.....Petitioner

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Mr. Ashok Giri, Advocate,
for the petitioner.

Ms. Ruchika Sabharawal, Addl.A.G. Punjab.

Gurvinder Singh Gill J. (Oral)

1. Raju Parshad has filed this revision petition challenging judgment dated 15.2.2010, passed by learned Sessions Judge, Rupnagar, vide which the appeal filed by him challenging judgment dated 27.2.2009 passed by Judicial Magistrate First Class, Rupnagar convicting the petitioner under Section 411 of IPC and imposing sentence of rigorous imprisonment for six months with fine of ₹ 1000/- has been upheld.
2. The prosecution story, in nut-shell, is that on 8.7.2006, ASI Harbhinder Singh received secret information to the effect that Bhupinder Singh, Raju Parshad and Vipin Kumar used to steal scrap from factories and sell the same at junk shops and that they were carrying stolen articles on a cart and could be apprehended in case a raid is conducted. Pursuant to receipt of said

information, a raid was conducted and the accused were apprehended along with stolen property worth ₹ 6,000/-. Vipin Kumar, who was an juvenile, was tried separately. The remaining two accused namely Bhupinder Singh and Raju Parshad were tried by the Court of JMIC, Ropar who found them guilty. The appeal preferred by both the accused before the Court of Sessions was dismissed on 15.2.2010. Feeling aggrieved with the same, the present revision petition has been preferred by accused Raju Parshad.

3. Today when the matter was taken up for arguments, the learned counsel for the appellant Raju Parshad, at the very outset, submitted that he does not challenge the findings as regards the conviction and that he restricts his submissions to quantum of sentence only.
4. Though the learned counsel for the petitioner restricted his submissions to quantum of sentence only but this Court deems appropriate to briefly examine the propriety of the findings as regards conviction of the accused. The prosecution in order to establish charges framed against the accused examined PW-1 Bhupinder Singh, Proprietor of M/s Galaxy Engineering Works; PW-2 Head Constable Charanjit Singh and PW-3 ASI Harbhinder Singh, Investigating Officer of the present case. A perusal of the testimonies shows that the same are fully consistent with the case of the prosecution. While PW-2 Head Constable Charanjit Singh and PW-3 ASI Harbhinder Singh have deposed in detail regarding the proceedings conducted during the investigation of the case including apprehension of the accused and recovery of stolen articles from them, PW-1 Bhupinder Singh has stated about the articles having been stolen from his factory M/s Galaxy Engineering Works.

A perusal of the impugned judgments shows that the Trial Court as well as the Appellate Court have appreciated evidence led by the prosecution and the correct perspective and there is no misreading of evidence. I do not find any infirmity as regards the findings of conviction of the accused and the same are upheld.

5. The learned State counsel has today placed on record the custody certificate in respect of Raju Parshad, as per which he has already undergone one month and 14 days of actual period out of the sentence of six months. The occurrence in the present case had taken place in the year 2006 i.e. more than 11 years back. The value of the stolen property in question was about ₹ 6,000/-.
6. In view of the aforesaid position and the fact that the appellant has already faced incarceration of trial for more than 11 years, in my opinion, a case is made out for reduction of sentence, especially when he is not stated to be a previous convict. The substantive sentence of imprisonment is accordingly reduced from six months to the one already undergone.
7. The revision petition is dismissed with the aforesaid modification in sentence.

September 1, 2017

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(Gurvinder Singh Gill)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No