

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Revision No.2348 of 2015 (O&M)

Date of Decision: April 27, 2017.

Ajit Kumar @ Chotto and others

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.S.K.Sandhir, Advocate
for the petitioner(s).

Mr.Ashish Sanghi, D.A.G. Punjab,
counsel for respondent-State.

SURINDER GUPTA, J.(Oral)

The petitioners were convicted and sentenced by Judicial Magistrate, Ist Class, Ludhiana for offence punishable under Section 365 read with Section 120-B IPC and were sentenced to undergo RI for a period of 3 years. They filed appeal which was dismissed by the learned Additional Sessions Judge, Ludhiana vide order dated 24.3.2015 and the conviction and sentence of the petitioners was upheld and maintained.

Learned counsel for the petitioners submits that the accused are first offenders and as per custody certificates produced today, they had undergone more than 2 years and 8 months of imprisonment by now.

He submits that a lenient view may be taken regarding the quantum of sentence and requests for reducing the sentence of the petitioner to the imprisonment already undergone by them.

Custody certificates placed on file show that Ajit Kumar appellant has undergone 2 years, 8 months and 9 days of imprisonment; Dinesh Singh has undergone 2 years, 8 months and 12 days and conviction period of Ashok Kumar petitioner is 2 years, 8 months and 25 days.

As per case of the prosecution, son of the complainant was kidnapped for ransom on 29.10.2002 and was recovered from Bihar on 24.2.2003. During this period, the police has conducted raids at several places in Bihar but could not trace the kidnapped child. Even the statement of kidnapped Hani Kumar was recorded who levelled allegations against the petitioners and supported prosecution version.

Keeping in view the nature of offence, I do not find this a fit case for taking a lenient view even if the petitioners have undergone major part of the sentence.

This petition has no merit and is dismissed.

April 27, 2017
Paritosh Kumar

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:* *Yes/No
Whether Reportable:* *Yes/No