

CRR No. 3730 of 2016

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

CRR No. 3730 of 2016

Date of Decision: March 03, 2017

Pandu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Navmohit Singh, Advocate
for the petitioner.

Mr. R.K. Singla, A.A.G., Haryana.

AUGUSTINE GEORGE MASIH, J. (Oral):

This revision is directed against the judgment dated 15.06.2015 passed by the Additional Sessions Judge, Narnaul, whereby, order of sentence dated 23.12.2014 passed by the Judicial Magistrate First Class, Mohindergarh, was modified by reducing it to two years from three years and a fine of ₹ 1,000/- was imposed and in default thereof, he was ordered to undergo further imprisonment of one month.

The allegations against the petitioner are that he had stolen one buffalo and one calf of the age of two years, which were tied in the house of Sahi Ram son of Dev Karan. He was primarily charged under Section 380 IPC. The case came up for hearing before the Judicial Magistrate First Class, Mohindergarh, where he pleaded guilty and on the basis of his confession, he was convicted and sentenced for a period of three years.

On an appeal preferred by the petitioner, the sentence awarded to him was reduced by the Additional Sessions Judge, Narnaul, vide order dated 15.06.2015 to two years and a fine of ₹ 1,000/- was imposed, in default whereof, he was to undergo further imprisonment of one month.

In the present revision petition which has been filed, it has been submitted by the counsel for the petitioner that the petitioner has already undergone 1 year 8 months and 15 days out of the substantive sentence of two years. He prays for reduction of sentence to the period already undergone by him and setting aside the fine imposed by the Appellate Court.

Counsel for the State accepts the fact that the petitioner has already undergone 1 year 8 months and 15 days of sentence out of the substantive sentence of two years.

In this case, the occurrence relates to the year 2011 and the accused-revisionist has already spent 1 year 8 months and 1 days in custody out of the total sentence of imprisonment of 2 years.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner has made a confession before the trial Court and also that the accused-revisionist has suffered agony of protracted criminal proceedings spreading over 6 years and also that no useful purpose shall now be served by sending him behind the bars for any further period, this Court upholds the conviction of the petitioner and the sentence awarded to him is reduced to the period already

undergone by him. The fine as imposed by the Appellate Court is set aside.
The revision petition is partly allowed as indicated above.

March 03, 2017
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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