

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No. 4939 of 2015 (O&M)

Date of Decision: September 04, 2017

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice Arvind Singh Sangwan

Present: Mr.Aditya Singh Yadav, Advocate for
Mr.Ashish Gupta, Advocate for the petitioner.
Mr.Arun Kumar, Assistant Advocate
General, Haryana.

Arvind Singh Sangwan, J.

Petitioner-Amit had faced trial in FIR No.139 dated 17.3.2012 qua commission of an offence under Sections 379, 356 of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station City Gurugram. The trial Court vide judgment/order dated 6.8.2015 convicted and sentenced the petitioner for commission of offence punishable under Section 356 and 379 IPC and petitioner was punished with rigorous imprisonment for two years under Section 356 IPC and under Section 379 IPC, petitioner was

sentenced to undergo rigorous imprisonment for a period of three years . The appeal filed against the said judgment/order passed by the trial Court was dismissed on 3.12.2015 Hence, the present revision petition by the accused-petitioner- Amit.

Learned counsel for the petitioner, during the course of arguments, has not challenged the conviction of the petitioner under Sections 356 and 379 IPC but has submitted that the sentence qua imprisonment be reduced to already undergone by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has remained in custody for more than two years and has been facing trial since 19.3.2012. Learned counsel also submits that the petitioner has not misused the concession of bail when he was on bail during trial as well as in appeal and is not involved in any other case.

Learned counsel for the State has not disputed the actual sentence undergone by the petitioner as well as the fact that the petitioner is not involved in any other case, as per custody certificate.

Keeping in view the facts and circumstances of the present case, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to already undergone by him.

Considering the fact that the petitioner has already faced the agony of long litigation and that he is in judicial lock up for the last more than two years and has not misused the concession of

bail during trial and also in view of the fact that he is not habitual offender, accordingly, the conviction of the petitioner under Sections 356 and 379 IPC is maintained. However, the sentence qua imprisonment of the petitioner is reduced to already undergone by him.

Petition stands disposed of accordingly.

(Arvind Singh Sangwan)
Judge

September 04, 2017

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No