

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No. 3931 of 2016 O&M)
Date of decision: 6.7.2017

Neeta and another

.. Petitioners

v.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Ms. Amandeep Kaur, Advocate for
Mr. Ramesh Sharma, Advocate for the petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana.

...

Rajesh Bindal J.

The petitioners having been convicted by the courts below under Section 380 IPC in FIR No. 178 dated 8.7.2014, registered at Police Station, Siwani and sentenced to undergo rigorous imprisonment for a period of three months along with fine of ₹ 500/- each, have filed the present petition.

Learned counsel for the petitioners submitted that it was a case of confusion. In fact, the petitioners were not involved in the incident. The petitioners had taken the cloth under the impression that price thereof had been paid, as they were accompanying other persons, who had left the shop after payment of the bill amount. They are house-wives. There is no criminal record either prior to the FIR in question or subsequent thereto. She prays for taking a lenient view, as out of three months imprisonment awarded to the petitioners, they have already undergone actual

imprisonment of 29 days. They have their families to maintain.

On the other hand, learned counsel for the State submitted that the petitioners were involved in shop-lifting. They have already been shown leniency by the courts below by awarding imprisonment of merely three months, hence, the same does not call for any interference.

At the time of notice of motion on 25.10.2016, learned counsel for the petitioners had stated that the petitioners being household ladies are ready and willing to compensate the complainant and prayed for lenient view in the matter of sentence. Out of three months imprisonment awarded to the petitioners, as per the custody certificates on record, they have already undergone actual imprisonment of 29 days. There is no criminal track record of the petitioners, who claim themselves to be household ladies.

Considering the aforesaid facts, in my opinion, the sentence awarded to the petitioners deserves to be reduced to the period already undergone. However, the fine imposed deserves to be increased from ₹ 500/- to ₹ 5,000/-. Ordered accordingly. Out of the amount of fine, ₹ 4,500/- shall be paid to the complainant as compensation.

The revision petition stands disposed of, accordingly.

(Rajesh Bindal)
Judge

6.7.2017
mk

