

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

CRR No.4558 of 2016 (O&M)
Date of Decision: March 06, 2017

Ravinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vijay Lath, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ravinder Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 18.09.2015 passed by learned Judicial Magistrate Ist Class, Moga, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 5 days under Section 411 IPC and further to undergo rigorous imprisonment for a period of one year under Section 465 IPC and also challenging the judgment dated 03.10.2016 passed by learned Sessions Judge, Moga, vide which appeal filed by petitioner was dismissed.

At the time of arguments, learned counsel for the petitioner

argued that revision petitioner Ravinder Singh is innocent. He was not

knowing that the vehicle which he has purchased is stolen vehicle and RC of the vehicle is also given by the agent of car bazar in his name.

I have heard learned counsel for the petitioner and have gone through the record.

The perusal of the record shows that challan has been presented against Ravinder Singh, Avtar Singh, Baljit Singh and Manjit Singh accused. Three of the accused namely Avtar Singh, Baljit Singh and Manjit Singh were declared proclaimed offender. The present petitioner was charge-sheeted under Sections 411, 379 read with Section 120-B IPC, to which he pleaded not guilty and claimed trial.

The brief facts of the case as noted down in the judgment passed by learned JMIC, Moga, are as under:-

“2. The genesis of the present FIR can be traced to the secret tip off received by Ajmer Singh, Incharge Narcotics Control Cell, Moga on 5.6.2008. He alongwith fellow police officials was on patrol at bus stand Jalalabad when he received a secret tip off that accused Ravinder Singh and Jit Singh were rampantly indulging in vehicle thefts in Punjab as well as in other states. They prepared forged registration certificates of the stolen vehicles and thereafter sold the same to other persons. Even on 5.6.2008 accused Ravinder Singh and Jit Singh were in possession of a stolen Santro car and were heading towards Moga from Jalandhar to dispose of the same.

3. On the basis of ruqa, the present FIR was lodged against the accused. Further investigation was conducted, recovery of stolen vehicle was effected, visual site plans of the place of recovery was prepared. Statements of witnesses were recorded. During the course of investigation the names of Avtar Singh, Manjit Singh and Baljit Singh as participants in the offences and as associates of accused Ravinder Singh surfaced. Accused were arrested. After completion of the investigation, challan against above said accused was presented before the Court.”

Learned JMIC, Moga, after appreciating the evidence,

convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Moga, vide judgment dated 03.10.2016.

Aggrieved from the above-said judgments, present revision petition has been filed by the petitioner.

The perusal of the record shows that present petitioner was apprehended along with car which was bearing fake number and fake registration certificate bearing the name of the petitioner is also recovered from him. The prosecution has duly proved that the recovered car was a stolen vehicle bearing No.DL-4CAA-9621 and when the car was apprehended, it was bearing no.HR-17F-7951.

The perusal of the record further shows that the findings given by the trial Court are correct, as per evidence and law. The prosecution has duly proved its case by bringing official witnesses from RTO office etc. Nothing has been pointed out as to how the findings given by the trial Court are perverse or against the evidence or law. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the Courts below. The concurrent findings regarding guilt and conviction of the accused given by both the Courts below are correct, as per evidence and the same are upheld.

Learned counsel for the petitioner, in the alternative, has prayed for reduction of the sentence imposed upon the petitioner.

As regarding quantum of sentence, I find that the petitioner has been sentenced to undergo rigorous imprisonment for a period of one year along with fine under Section 411 IPC and to undergo rigorous imprisonment for a period of one year under Section 465 IPC. In the facts

and circumstances of the case, in no way, this sentence can be held as excessive. Adequate sentence has been passed by learned Magistrate, which is not liable to be reduced. Therefore, no ground is made out for reducing the sentence imposed upon the petitioner.

Resultantly, finding no merit in the present petition, the same is dismissed. However, it is ordered that both the sentences under Sections 411 and 465 IPC, shall run concurrently.

March 06, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No