

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 4743 of 2016 (O&M)

Date of Decision : 30.01.2017

Sarabjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Surinder Gupta, J.

Petitioner was convicted by the trial Court for offence punishable under Section 382 of the Indian Penal Code (for short 'IPC') and was sentenced to undergo rigorous imprisonment for one year and to pay fine of ₹2000/-, and in default of payment of fine, to further undergo rigorous imprisonment for one month.

2. Allegation against the petitioner is that he alongwith his co-accused Sukhpreet Singh snatched a mobile phone Nokia 5300 from the complainant and also took away his wallet having his driving licence and ₹200/- in cash.

3. Learned counsel for the petitioner has not challenged the conviction of petitioner but has confined relief in this case for grant of benefit of probation to petitioner on the ground that he is not a previous convict and is a young boy of 27 years and is the only bread-earner of his family.

4. Learned State counsel has argued that offence committed by the petitioner is quite serious in nature. They have stopped the complainant,

who was going on his scooter and by showing something resembling a pistol, snatched his mobile phone and wallet.

5. Perusal of paper-book shows that the petitioner was 27 years of age at the time of conviction. There is nothing on file that he is a previous convict. However, keeping in view seriousness of the offence, I do not find it to be a fit case to extend the benefit of grant of probation to the petitioner. However, interest of justice shall be fully met if sentence awarded by the trial Court and affirmed by the appellate Court is reduced from one year rigorous imprisonment to six months rigorous imprisonment.

6. In view of my above discussion, sentence awarded to the petitioner under Section 382 IPC is reduced from one year rigorous imprisonment to six months of rigorous imprisonment. However, the sentence of fine awarded to the petitioner is kept intact.

7. The revision is partly allowed modifying the sentence of imprisonment as aforesaid.

8. Copy of this order be sent to the trial Court and Superintendent, Central Jail, Ludhiana.

January 30, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No