

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 1139 of 2017 (O&M)

Date of decision : 25.7.2017

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Jagraj Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, Advocate for the petitioner

Ms. Jaspreet Kaur, Assistant Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Petitioner - Jagraj Singh s/o Gurdip Singh r/o village Jambowal, Police Station Tarsika, District Amritsar, alongwith his co-accused Gurmukh Singh @ Gurmit Singh was tried by the Court of Judicial Magistrate Ist Class, Batala and vide judgment and order dated 23.9.2015 he was convicted for offence under Section 382 IPC read with Section 34 IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.500/-, in default of payment of fine to undergo further simple imprisonment for 15

days.

Feeling aggrieved, Jagraj Singh had filed an appeal, which was dismissed of by Additional Sessions Judge, Gurdaspur, vide judgment dated 26.2.2016 and judgment of conviction and order of sentence passed by the trial Court were upheld.

The accused was not satisfied with the said judgment also, as such he has brought the present revision petition, which was not filed within limitation, rather it was filed after a delay of 296 days.

On an application under Section 5 of the Limitation Act being filed, the delay was condoned.

Notice of the revision petition has been issued to the State. Learned State counsel has filed the custody certificate, in terms of which out of sentence of two years, the accused-convict has undergone 1 year, 8 months and 17 days of total sentence, which includes actual sentence of 1 year, 4 months and 28 days.

I have heard learned counsel for the revision-petitioner, learned State counsel, besides going through the record.

At the very outset, learned counsel for the revision-petitioner has submitted that he does not challenge the judgments passed by the Courts below, as far as conviction of accused revision-petitioner is concerned, but he prays for reduction of sentence only. It being so, the judgments being challenged in the revision petition are upheld, as far as conviction of accused – petitioner for offence under Section 382 IPC read with Section 34 IPC is concerned.

Now the question which remains to be decided is regarding the sentence part. It is stated that accused Jagraj Singh is aged about

25 years and he is a poor person. Therefore, his sentence be reduced.

After hearing learned counsel for the revision-petitioner, I find that since out of sentence of 2 years imprisonment, the revision petitioner is shown to have undergone total sentence of 1 year, 8 months and 17 days, till date, the ends of justice shall be adequately met, if he is sentenced to imprisonment already undergone by him in this case. It is ordered accordingly. Whereas the fine imposed is kept as intact.

With above modification in the judgment, the petition stands disposed of. The revision-petitioner be set at liberty on payment of fine, if he is not required in any other case. Necessary intimation be sent in that regard.

(H.S. Madaan)
Judge

25.7.2017

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Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No