

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1925 of 2017 (O&M)
Date of decision : August 03, 2017

Bahadur Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Giri, Advocate for the petitioner.
Mr. C.L. Pawar, Sr. DAG, Punjab.

- 1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
- 2. To be referred to the Reporter or not.
- 3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

The present revision petition is directed against the judgment dated 02.05.2017 passed by learned Sessions Judge, Rupnagar, affirming the judgment of conviction and order of sentence dated 13.02.2017 passed by the learned Addl. Chief Judicial Magistrate, Rupnagar, vide which the petitioner was convicted and sentenced as under:

Sr. No.	Offence	Imprisonment	Fine	In default of payment of fine
1	379 IPC	R.I. for 1 year	Rs.1,000/-	R.I. for 1 month
2	21(1) r/w 4(1) of Mines and Minerals Development and Regulation Act, 1957	--	Rs.5,000/-	R.I. for 2 months

Both the sentences were directed to run concurrently.

The allegations against the petitioner are that one trolley filled with sand was recovered from him.

Heard.

Learned counsel for the petitioner presses the petition only on the point of quantum of sentence. It is stated that the petitioner is the first offender and is facing trial since the year 2013. The prayer is for showing leniency in the sentence.

Considering the facts and circumstances of the case, the sentence awarded to the petitioner for the commission of offence punishable under Section 379 IPC is reduced from rigorous imprisonment for one year to rigorous imprisonment for six months, while the fine is enhanced from ₹1,000/- to ₹10,000/-, whereas the default imprisonment of the fine shall remain intact. However, the sentence awarded for the commission of offence punishable under Section 21(1) r/w 4(1) of Mines and Minerals Development and Regulation Act, 1957 is maintained.

With the abovenoted modification, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

August 03, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No