

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR No. 195 of 2017 (O&M)

Date of Decision: 14.03.2017

Taiba & others

--Petitioners

Versus

State of U.T., Chandigarh

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sunil Kumar, Advocate for the petitioners.

Mr. Amit Kumar Goyal, A.P.P., U.T., Chandigarh.

TEJINDER SINGH DHINDSA.J

The instant revision petition is directed against the order dated 14.12.2016, passed by the Additional Sessions Judge, Chandigarh and whereby the judgement and order dated 10.2.2015, passed by the J.M.I.C., Chandigarh convicting and sentencing the petitioners to undergo R.I for a period of 1 year and to pay a fine of Rs.500/- and in default of payment of fine to further undergo S.I for a period of 7 days for offences under Sections 5 and 8 of the The Punjab Prohibition of Cow Slaughter Act, 1955, has been affirmed.

At the very outset, learned counsel appearing for the petitioners submits that he does not assail the judgement of conviction on merits and only prays for reduction of sentence.

In view of such limited prayer, this Court need not dilate on the facts of the case in detail. Suffice it to notice that the process of law was set in motion on the statement of Manoj Kumar that he is a resident of New Indira Colony, Manimajra, Chandigarh and the accused persons are in the profession of selling cow meat. Complainant asserted that at about 6.20

A.M he came to know that the accused persons were selling cow meat to people and such information was provided to the police. Upon raid having been conducted, Taiba and Rani (petitioners no.1 and 2 herein) were found to be selling cow meat after putting the same in a polythene bag. Remaining cow meat was lying in a fridge which was kept in the first floor of the house. Cow meat weighing 23.5 kgs was stated to have been recovered. As per prosecution version such cow meat was brought by Gulfam and Shehzad (petitioners no.3 and 4 herein) in their Tata-207 vehicle bearing registration no. HR-68-5505. Complainant had further asserted that the accused party used to supply cow meat in the remaining parts of the city and had even threatened the complainant and other people of the locality that if they furnish any information in this regard to the police, they would face dire consequences.

After completion of investigation, challan was presented and charges were framed against the accused for offence under Sections 295, 295-A, 153, 153-A, 506 I.P.C read with sections 5 and 8 of the The Punjab Prohibition of Cow Slaughter Act, 1955. The petitioners stand acquitted in so far as charges framed for offence under sections 295, 295-A, 153, 153-A, 506 I.P.C but have been convicted for offence under Sections 5 and 8 of the The Punjab Prohibition of Cow Slaughter Act, 1955 and have been sentenced as noticed herein above.

Counsel for the petitioners has raised the following submissions for a lenient view to be taken as regards reduction of sentence:-

- (i) The FIR was registered in the year 2008 and the petitioners have faced the pangs of trial followed by an appeal over a period of 8 years.
- (ii) Petitioners are not previous convicts and are not involved in

any other criminal proceedings.

(iii) Petitioners are stated to be poor persons and the sole bread earners of the family.

As per custody certificates furnished by learned State counsel the petitioners have undergone custody period ranging from 2 months 14 days to 3 months and 4 days. Still further, as per custody certificates the petitioners are not involved in any other criminal proceedings.

In the considered view of this Court, grounds raised by counsel would be taken as sufficient mitigating circumstances to reduce sentence of the petitioners.

Accordingly, while maintaining the conviction of the petitioners, the present revision petition is disposed of with the directions that the sentence of the petitioners is reduced to a period of 4 months R.I. The petitioners shall be released upon completion of such reduced sentence of 4 months R.I, if, they are not required in any other case subject to deposit of fine if not already paid.

With such modifications in the matter of sentence the present revision petition stands disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

14.03.2017
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Whether speaking/reasoned:	Yes
Whether Reportable:	No