

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2005 of 2017 (O&M)
Date of decision : August 03, 2017

Gurpreet Singh Petitioner

Versus

State of Union Territory, Chandigarh Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Mohinder Kumar, Advocate for the petitioner.
Mr. A.S. Virk, APP, U.T., Chandigarh.

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)

CRM-17938-2017

There is delay of 23 days in filing the present revision petition.

For the reasons mentioned in the application, delay of 23 days in filing the present revision petition is condoned, subject to all just exception.

Application stands disposed of.

Main case

Heard.

Learned counsel for the petitioner presses the present revision
petition on the point of quantum of sentence only.

The petitioner was convicted and sentenced by the learned Judicial Magistrate 1st Class, Chandigarh, vide judgment of conviction and order of sentence dated 19.05.2015, which is as under:

<i>Sr. No.</i>	<i>Offence</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of payment of fine</i>
1	482 IPC	R.I. for six months	Rs.1,000/-	R.I. for 1 month
2	411 IPC	R.I. for 1 year	Rs.1,000/-	R.I. for 1 month

Both the sentences were directed to run consecutively.

The appeal filed against the said judgment was dismissed by the learned Sessions Judge, Chandigarh, vide judgment dated 31.01.2017.

A perusal of the file shows that the allegations are regarding keeping in possession the stolen motorcycle bearing fake number plate.

Custody certificate of the petitioner has been filed in the court today and the same is taken on record. It shows that the petitioner is not a previous convict and no criminal case is pending against him.

Considering the facts and circumstances of the case, the sentence awarded for the commission of offence punishable under Section 411 IPC is reduced from rigorous imprisonment for one year to rigorous imprisonment for nine months, whereas the sentence of fine under Section 411 IPC is maintained. However, the sentence awarded for the commission of offence punishable under Section 482 IPC is also maintained. Both the sentences are ordered to run concurrently.

The present petition is partly allowed to the abovenoted extent.

(KULDIP SINGH)
JUDGE

August 03, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No