

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 26.9.2017

CRR No. 2284 of 2017 (O/M)
Sarthak

..... Revisionist

Versus

State of Haryana

..... Respondent

CRR No. 2444 of 2017 (O/M)
Yogesh

..... Revisionist

Versus

State of Haryana

..... Respondent

CRR No. 2913 of 2017 (O/M)
Rohit

..... Revisionist

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. P.R. Yadav, Advocate, for revisionist
in CRR-2284-2017.

Mr. M.K. Rao, Advocate, for revisionist
in CRR-2444-2017.

Mr. Sanjeev Kodan, Advocate, for revisionist
in CRR-2913-2017.

Mr. R.K. Makkad, DAG Haryana.

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 ?

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KULDIP SINGH J. (ORAL)

This order will dispose of all the three connected revisions No. CRR-2284, 2444, 2913-2017 as the same are arising out of the same judgment. All the three revisionists, namely, Sarthak, Yogesh and Rohit,

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were convicted by the Principal Magistrate, Juvenile Justice Board, Gurgaon, under Sections 392, 397 IPC, whereas in addition to said sections, revisionist Yogesh was also convicted under Section 25 of the Arms Act, 1959, vide judgment of conviction dated 8.1.2016 and dispositional order dated 11.1.2016. They were ordered to be kept in Special Home for a period of one year each for commission of offence punishable under Sections 392 and 397 IPC. Revisionist Yogesh was ordered to be kept in Special Home for a further period of six months for the commission of offence punishable under Section 25 of the Arms Act, 1959. All the sentences were directed to run concurrently. The appeal against the said judgment was dismissed by the learned Additional Sessions Judge, Gurugram, vide judgment dated 6.6.2017.

Before this Court, revisions have been pressed on the quantum of sentence only.

Custody certificates dated 26.9.2017 of revisionists Sarthak and Rohit (in CRR-2284-2017 and CRR-2913-2017 respectively) have been filed by the learned State counsel in Court today, whereas custody certificate of revisionist Yogesh (in CRR-2444-2017) as on 15.9.2017, issued by Superintendent, Special Home, Sonipat, has been filed by his learned counsel Mr. M.K. Rao, Advocate, in Court today and same are taken on record.

Custody certificate of revisionist Sarthak shows that he has undergone total detention period of 5 months and 1 day as on 25.9.2017, including remission, whereas custody certificate of revisionist Rohit shows that he has undergone total detention period of 4 months and 12 days as on 25.9.2017 including remission. As per custody certificate of revisionist

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Yogesh, he has undergone custody period of 7 months and 2 days as on 15.9.2017. No previous conviction is recorded against revisionists nor any case is pending against them.

Considering that it is their first offence and they were juvenile at that time, the sentence of keeping them in Special Home for a period of one year for commission of offences punishable under Sections 392, 397 IPC is hereby reduced to six months each. The detention of revisionist Yogesh for commission of offence punishable under Section 25 of the Arms Act, 1959, for six months is maintained.

With the abovenoted, modification, all the revisions are dismissed. Revisionists be released immediately after completion of modified sentence.

(KULDIP SINGH)
JUDGE

26.9.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No