

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2618 of 2017 (O&M)
Date of decision : August 01, 2017

Har minder Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manvinder Singh Bal, Advocate for the petitioner.

- 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-23876-2017

There is delay of 89 days in filing the present revision petition.

For the reasons mentioned in the application, delay of 89 days in filing the present revision petition is condoned, subject to all the just exception.

Application stands disposed of.

Main Case

The impugned in the present revision petition is the judgment dated 27.09.2016 passed by learned Addl. Sessions Judge, Tarn Taran, affirming the judgment of conviction and order of sentence dated 13.07.2015 passed by learned Judicial Magistrate 1st Class, Tarn Taran, whereby the present petitioner Har minder Singh was convicted and sentenced as under:

Sr. No.	Offence	Imprisonment	Fine	In default of payment of fine
1	457 IPC	R.I. for one year	Rs.500/-	R.I. for two months
2	380 IPC	R.I. for one year	Rs.400/-	R.I. for one month

Both the sentences were directed to run concurrently.

I have heard learned counsel for the petitioner and have also gone through the judgments of both the courts below.

In this case, Balwinder Singh, retired Subedar from Army has stated that on 13.01.2011 at about 8.00 p.m., when he along with his wife came back and entered their house from the main gate, they saw two young persons running outside from their bedroom of their kothi. He caught one of those young persons, who is the present petitioner, Harminder Singh S/o Kuldeep Singh, resident of area opposite Harkrishan School, Jandiala Road. Thereafter, the petitioner-accused after pushing complainant Balwinder Singh ran away from the spot. On checking, one gold *kara* was found missing from the house of the complainant. After the arrest of the petitioner, at his disclosure statement, the said gold *kara* was recovered from him. Both the complainant and the petitioner belong to same town. The petitioner was identified at the spot. The recovery of the stolen article was made after his arrest in pursuant to his disclosure statement. Thus, there is no illegality or infirmity in the findings recorded by both the courts below and the same are affirmed. For the commission of tress pass and theft, sentence of rigorous imprisonment for one year cannot be called excessive.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

August 01, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No