

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRR No. 2729 of 2017

Date of Decision: 10.08.2017

Samim

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Satish Chaudhary, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The petitioner was convicted and sentenced to undergo rigorous imprisonment for 3 years and to pay fine of ₹2000/- for offence punishable under Section 457 of Indian Penal Code (for short 'IPC') and rigorous imprisonment for 1 year and to pay fine of ₹1000/- for offence punishable under Section 511 IPC.

2. Brief facts of the prosecution case as incorporated by Ist Appellate Court in its judgment are as follows:-

“2. The brief facts of the case of the prosecution are that complainant Jagdish Kumar, Manager, Syndicate Bank, Ferozepur Namak, made a complaint to the police alleging therein that in the intervening night of 13/14.01.2012, some unknown persons broke into bank and attempted to break the strong room of the bank and thereafter, at about 02.00 a.m., when the villagers upon hearing the noises coming from the bank surrounded the bank, the culprits ran away from the spot after leaving

the gas cylinder, cutter and jacket etc. at the spot. It has been further averred by the complainant that the culprits had entered into the bank after breaking the back window of the bank. It has been further averred by the complainant that when the culprits were running away from the spot, the villagers gave them a chase, but the culprits managed to escape from the spot, however, they left behind their Wagon-R car bearing registration no. HR-52-A-2009. On the basis of these averments, the complainant prayed that necessary action may kindly be taken against the culprits.”

3. In this case four persons were arrested by the police and they faced trial. In the absence of any eye-witness account, learned trial Court relied on report of fingerprint expert about finger prints of petitioner, which were found on the handle of steel door of strong room of the bank and Wagon-R car bearing registration no. HR-52-A-2009 in which petitioner alongwith his accomplices had come to the bank. Finger prints expert Hakam Chand (PW-5) was called to the spot immediately after the incident and he managed to lift chance print on the handle of steel door of strong room of the bank, where theft was attempted and also from front side window pain of Wagon-R car. On comparison, these finger prints were found to be of petitioner and his co-accused Sahib, which proved their presence while making attempt to commit theft in the bank after house breaking by night. The evidence against the petitioner are unassailable even in the absence of direct evidence or any eye-witness account.

4. Learned counsel for the petitioner has mainly stressed on only

argument that there was no eye-witness of the occurrence but could not come up with any explanation as to how finger prints of petitioner were found on the handle of steel door of strong room inside the bank. It was also proved in evidence that intruders had entered the bank by breaking a window but their attempt to commit theft in bank could not be successful as vigilant villagers came to the spot which made all the intruders in bank to run away under the cover of darkness.

5. The judgments of Courts below are well reasoned and call for no interference in this revision. Keeping in view the nature of offence, I find no reason to interfere with the quantum of sentence awarded to petitioner. Consequently, this revision petition has no merit and the same is dismissed.

August 10, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No