

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRR No.288 of 2017 (O&M)

Date of Decision: 17.02.2017

Shiv Kumar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Sukhdeep Parmar, Advocate,
for the petitioner.

Mr. C.S.Bakhshi, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J.

The instant revision petition is directed against the judgment dated 22.11.2016 passed by the learned Additional Sessions Judge, Karnal affirming the judgment of conviction and order of sentence dated 27.03.2014 of the Judicial Magistrate Ist Class, Karnal whereby the petitioner/accused was convicted under Section 411 of the Indian Penal Code and sentenced to undergo simple imprisonment for a period of 01 year.

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

In view of such limited prayer, this Court need not to dilate on the facts of the case in detail.

Suffice it to notice that the process of law was set in motion on the complaint of Mohan Lal relating to theft of his motorcycle make Hero Honda Splendor.

Petitioner stands convicted, however, not for offence under

Section 379 IPC but under Section 411 IPC being in possession of the stolen property.

Learned counsel for the petitioner has raised the following submissions for a lenient view be taken as regards reduction of sentence:

- i) The allegation relates back to the year 2012.
- ii) Petitioner has faced the agony of criminal proceedings spreading over a period of almost 05 years.
- iii) Petitioner is a previous convict and is not involved in any other criminal proceedings.
- iv) Petitioner is stated to be a poor person and the sole bread earner of the family.

As per custody certificate furnished by learned State counsel, petitioner has already undergone an actual sentence of 05 months and 15 days as on 12.02.2017. In other words as of date, petitioner would have undergone a sentence period of 05 months 20 days as opposed to the substantive sentence awarded of 01 year simple imprisonment. Still further as per custody certificate, the petitioner is not involved in any other criminal proceedings.

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

Accordingly while maintaining the conviction of the petitioner, the present revision petition is dismissed with the directions that the sentence of the petitioner is reduced to the period already undergone.

Petitioner be released forthwith if he is not required in any other case.

With such modification in the matter of sentence, the revision
petition stands disposed of.

17.02.2017
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No