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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3013 of 2017 (O/M)

Date of decision : 10.10.2017

Lucky Kumar alias Hunny Kumar Revisionist

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Umesh Aggarwal, Advocate, for revisionist.
Ms. Monika Jalota, DAG Punjab.

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)

Custody certificate filed in Court today and same is taken on record. The revision has been pressed on quantum of sentence only.

Revisionist was caught in the shop of a goldsmith while attempting to commit a theft. He has been convicted by the learned Chief Judicial Magistrate, Amritsar, vide judgment of conviction and order of sentence dated 4.1.2017, as under :-

<u>"Name of Convict</u>	<u>Offence Under Section</u>	<u>Sentence</u>
Lucky	457 of Indian Penal Code	To undergo Rigorous imprisonment for period of one year and to pay fine of Rs. 500/-. In default of payment of fine, the convict shall undergo rigorous imprisonment further for 7 days.
	380 read with Section 511 of Indian Penal Code	To undergo Rigorous imprisonment for period of one year and to pay fine of Rs. 500/-. In default of payment of fine, the convict shall undergo rigorous imprisonment further for 7 days.

Both the sentences were directed to run concurrently.

The appeal filed against said judgment was dismissed by the learned Additional Sessions Judge, Amritsar, vide judgment dated 11.8.2017.

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The custody certificate shows that revisionist had already undergone actual sentence of 3 months and 19 days, including remission of 1 month and 4 days. No previous case is pending or decided against revisionist.

The learned counsel for revisionist contends that revisionist should be released on probation. He relies upon the judgment of this Court in Akhtar and another Versus State of Haryana, 2013 (2) Law Herald 1016.

I am of the view that while considering the case for release on probation, facts of each and every case have to be seen. In the present case, revisionist attempted to commit theft at night in the shop of a goldsmith. He was surrounded by public and apprehended. Had revisionist not been noticed by public, there would have been a huge theft. Therefore, considering the facts and circumstances, I do not find it a fit case for grant of probation.

Considering the entirety of facts and circumstances, the substantive sentence of rigorous imprisonment for one year, awarded by the lower Court under Sections 457 and 380 IPC read with Section 511 IPC, is reduced to rigorous imprisonment for nine months each.

With the abovenoted modification, revision is dismissed.

(KULDIP SINGH)
JUDGE

10.10.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No