

**102+211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.36685 of 2017 in/and
CRR No.3310 of 2017 (O&M)
Date of decision : November 16, 2017**

Subhash and others Petitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Kumar Khunger, Advocate for the petitioners.

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 ?

KULDIP SINGH J. (ORAL)

Heard on the quantum of sentence only.

In this case, a theft was committed in the Kanya High School, Jandwala Hanwanta on 25.04.2012. The stolen articles were recovered from the present petitioners. Learned Judicial Magistrate 1st Class, Abohar vide judgment of conviction and order of sentence dated 30.07.2015 convicted the petitioners for the commission of offence punishable under Section 411 IPC and sentenced them to undergo rigorous imprisonment for one year and to pay a fine of ₹2,000/- each, in default of payment of fine to undergo further rigorous imprisonment for 15 days each. The appeal filed by the petitioners was dismissed by learned Addl. Sessions Judge, Fazilka, vide judgment dated 07.08.2017.

Learned counsel for the petitioners has prayed for showing some leniency in the sentence awarded to the petitioners.

An application for concurrent running of sentences awarded to the petitioners in the present case i.e. FIR No.43, dated 25.04.2012 with the case FIR No.98, dated 13.12.2011, in which the petitioners have also been convicted for committing the same offence regarding theft in the Government Senior Secondary School, Maujgarh.

Custody certificates of the petitioners have been filed in the Court today and the same are taken on record.

Considering the entirety of the facts and circumstances of the case, the sentence of rigorous imprisonment for 1 year each awarded to the petitioners is reduced to rigorous imprisonment for 9 months each, whereas the sentence of fine is maintained.

However, the prayer made in the application for concurrent running of the sentence in two aforesaid different FIRs is declined as two different thefts were committed at different times. As such, CRM No.36685 of 2017 is dismissed.

With the above noted modification, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

November 16, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No