

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.4244 of 2017 (O&M)
Date of decision : December 19, 2017**

Keshav **Petitioner**

Versus

State of Haryana **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Kartar Singh, Advocate for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

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 point of quantum of sentence.

Custody certificate filed in the Court today is taken on record.

Learned counsel for the petitioner presses the present petition only on the point of quantum of sentence.

The present petitioner was convicted for the commission of offence punishable under Section 379 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of ₹800/-, in default thereof to further undergo simple imprisonment for two months, vide judgment of conviction and order of sentence dated 19.12.2016 passed by the learned Judicial Magistrate, Palwal. The fine was paid before the trial court.

In appeal, the learned Addl. Sessions Judge, Palwal, vide judgment dated 07.07.2017 while dismissing the appeal, reduced the sentence awarded to the petitioner from rigorous imprisonment for 2 year to

rigorous imprisonment for one year.

As per custody certificate, the petitioner has undergone actual sentence of 8 months including remission of 1 month and 4 days. He is not a previous convict nor any other case is pending against him.

Considering the fact that the petitioner is the first offender, the substantive sentence awarded to the petitioner by the first appellate court is reduced to the period already undergone i.e. 8 months. However, the remaining part of the sentence is maintained.

The petitioner be released forthwith, if not required in any other case.

With the abovenoted modification, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

December 19, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No