

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

**CRR No.447 of 2017 (O&M)
Date of Decision: May 22, 2017**

Jasbir Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Bhatti, Advocate
for the petitioner.

Mr.J.S.Bhullar, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jasbir Singh against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 10.08.2016 passed by learned Judicial Magistrate Ist Class, Malerkotla, vide which the petitioner along with co-accused was convicted and sentenced to undergo rigorous imprisonment for a period of two and half years and to pay fine of ₹1500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of two months under Section 380 IPC and also to undergo rigorous imprisonment for a period of two years under Section 427 IPC and further to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to undergo rigorous

imprisonment for a period of two months under Section 457 IPC and also

challenging the judgment dated 30.11.2016 passed by learned Addl. Sessions Judge, Sangrur, vide which appeal filed by petitioner was dismissed. All the sentences were ordered to run concurrently.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence. Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.74 dated 13.08.2014. The brief facts of the case as noted down in the judgment passed by learned JMIC, Malerkotla, are as under:-

“2. The criminal law was set into motion on the statement of Sahibdin son of Balian Khan(hereinafter referred to as complainant). As per the allegations Ex.P1 the complainant is running a general store at Mubarakpur Chunga and in addition the complainant is also engaged in selling of mobile recharge coupons. On 11.08.2014 the complainant closed his shop at around 9.00 pm and headed towards home after locking the same. On 12.08.2014 at about 7.00 am when the complainant reached his shop he saw that the shutter of the shop open and the locks were also broken. The complainant further found that of cash of Rs.10,000/from the safe along with mobile recharge coupons worth Rs.5000/were stolen. Thereafter, the complainant started enquiring himself as to the commission of theft but later on the complainant came to know that on the intervening night of 11-12/08/14 the theft has been committed by Dharminder Singh son of Bant Singh, Gurpreet Singh son of Balwant Singh, Jasveer Singh son of Jagdev Singh, Sukhdev Singh son of Pritam Singh all residents of Mubarkpur Chunga who committed the theft by breaking open the locks of the shop. On the basis of this complaint inquiry was held and FIR was registered against the accused.”

Learned JMIC, Malerkotla after appreciating the evidence,

convicted and sentenced the petitioner along with co-accused as stated above. An appeal was filed by the petitioner along with co-accused and the same was dismissed by learned Addl. Sessions Judge, Sangrur, vide judgment dated 30.11.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

At the time of arguments, learned counsel for the petitioner prayed for reduction of sentence. Learned counsel for the petitioner contended that petitioner is young man, first offender, poor person and suffering from the criminal proceedings since 2014.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and the fact that petitioner is stated to be young man, first offender, poor person and is facing long protracted criminal proceedings since 2014 i.e. for the last about 3 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo imprisonment for a period of one year each under Sections 380, 427 and 457 IPC. However, sentence of fine and in default thereof shall remain the same. All the sentences are ordered to run concurrently.

With the above-said modification in the sentence, the present revision petition stands partly allowed.

May 22, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No