

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 500 of 2017 (O&M)
Date of Decision : 20.04.2017

Kulwant Singh @ Bobby
....Petitioner

Versus

State of Punjab
....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

Surinder Gupta, J.

Learned counsel for the petitioner has confined his submissions only for reduction of sentence awarded to the petitioner by Court below without challenging his conviction on merits for offences punishable under Sections 392 and 411 of Indian Penal Code (for short 'IPC').

2. Petitioner-Kulwant Singh @ Bobby was convicted and sentenced by the trial Court as follows:-

<i>Under Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>In default</i>
392 IPC	RI for 3 years	₹500/-	RI for six months
411 IPC	RI for six months	₹200/-	RI for 15 days

3. On appeal, learned Additional Sessions Judge, Jalandhar reduced the sentence awarded to the petitioner for offence punishable under Section 392 IPC from rigorous imprisonment for three years to rigorous imprisonment for a period of one year. However, the petitioner was acquitted for offence punishable under Section 411 IPC and sentence awarded to petitioner on this account was set aside.

4. Learned counsel for the petitioner has argued that the petitioner

is about 38 years of age and has to look after his family, as such, sentence awarded to him may be reduced to the period of imprisonment already undergone by him as he was taken in custody after pronouncement of judgment by Ist Appellate Court on 06.12.2016.

5. I have given a careful thought to submissions of learned counsel for the petitioner but find no reason to accept the same.

6. Allegations against the petitioner are that he alongwith his co-accused have stopped complainant, who was going on his motorcycle, and tried to snatch his bag, which he resisted, Hussan Lal @ Bhushan @ Happy, co-accused of the petitioner gave a baseball bat blow on head of the complainant and then forcibly snatched the bag. Thereafter, the petitioner and his co-accused ran away from the spot. It is a case of daylight snatching. The petitioner was identified at the spot and named in the FIR. The offence is quite serious in nature and Ist Appellate Court has already taken a very lenient view by reducing the sentence from three years rigorous imprisonment awarded to the petitioner for offence punishable under Section 392 IPC to rigorous imprisonment for one year.

7. Keeping in view facts of the case, I find no scope to further reduce the sentence awarded to the petitioner, hence this revision petition is dismissed

April 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No