

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.767 of 2017 (O&M)

.....

Date of decision:14.7.2017

Raj Kaur and another

...Petitioners

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Parminder Singh Sekhon, Advocate for the petitioners.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 7.2.2017 passed by learned Additional Sessions Judge, Patiala, whereby the appeal filed by the petitioners against the judgment of conviction and the order of sentence dated 23.8.2016 passed by the learned Judicial Magistrate Ist Class, Patiala, convicting them for the offences under Sections 382 read with Section 34 and 411 IPC and sentencing them to undergo rigorous imprisonment for two years and to pay a fine of ₹5,000/- each and in default of payment of fine to further undergo simple imprisonment for one month each for the offence under Section 382 read with Section 34 IPC and further to undergo rigorous imprisonment for two years and to pay a fine of ₹5,000/- each and in default of payment of fine to further undergo simple imprisonment for one month each for the offence under Section 411 IPC, has been dismissed.

I have heard learned counsel for the petitioners and have gone

through the record.

The brief facts of the case as noted down in the judgment dated 23.8.2016 passed by learned Judicial Magistrate Ist Class, Patiala, are as under:-

“Briefly stated, as per the prosecution story, the present case emanates from the statement dated 24.8.2010 made by Pooja Sharma wife of Shiv Kumar Sharma, H. No.1256, Police Quarter, Sector 11, Panchkula (Haryana) before the Police to the effect that she is resident of above mentioned address and is a housewife. She stated that on 23.8.2010 she had come to her parental house at the eve of Rakhi. On 24.8.2010, she alongwith her cousin Shubham Sharma were present at Bus Stand Patiala to board the bus to Panchkula. At about 5.45 p.m. when they were standing near the counter of Chandigarh, then Shubham Sharma went to buy cold drink, during that period, two ladies aged about 45-50 years came to her, one lady pinched a sharp edged weapon at her back and told her not to raise alarm otherwise they will harm her. The second lady snatched her gold chain from her neck. The weight of the above said gold chain was 13-1/2 gram and 2 gm. pendent was also attached with the gold chain and letter S was written in the pendent. Then, the above said two ladies tried to run away but she caught hold one of them. On hearing her hue and cry, people gathered there and Shubham Sharma also came there,

then he called her maternal uncle Parveen Sharma at the spot, then they took the above said lady to the Police and the other lady fled away from the spot. On the basis of statement of complainant the present FIR was registered by the Police. The Investigating Officer inspected the spot, prepared the site-plan, recorded the statements of the witnesses U/S 161 Cr.P.C. During the course of investigation, recovery was effected and the accused were arrested. After completion of the investigation and other necessary formalities the instant challan was presented against the accused. Later on accused Tejo @ Gejjo was arrested by the Police and supplementary challan against her was presented against her in the Court.”

The learned Judicial Magistrate Ist Class, Patiala, after going through the evidence on record and after hearing learned counsel for the petitioners and learned State counsel convicted and sentenced both the accused for the offences as mentioned above. Aggrieved from this judgment, appeal was filed which was also dismissed.

From the record, I find that both the Courts below have given concurrent findings qua the guilt of the petitioners. From the record, I find that the PWs specially the complainant had deposed in the Court on oath as per prosecution version. The complainant also identified both the accused. The complainant caught hold of Raj Kaur herself at the spot. Though Tejo alias Gejjo had fled away from the spot but she was arrested later on, and there are no material contradictions in the statements of the witnesses nor

same were pointed out by the learned counsel for the revision petitioners. Nothing has been pointed out as to how the findings given by the Court below are perverse or against the evidence or law. Nothing has been pointed out as to which material evidence has been misread by the Courts below and as to which material evidence has not been considered by the Courts below. The witnesses are reliable witnesses and have consistently deposed regarding the prosecution version. The complainant has no enmity or motive to depose against the accused persons. Furthermore, the recovery of golden chain has been effected from Raj Kaur and weapon has also been recovered from the accused.

Therefore, from the above, I find that the judgments passed by both the Courts below are correct as per evidence and law and do not require any interference from this Court. The petitioners have been sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹5,000/- each etc.

In no way, this sentence can be held as excessive. Adequate sentence has been passed by the Courts below. Hence, no ground is made out even for reduction of the sentence.

Therefore, finding no merit in the criminal revision petition, the same is dismissed.

July 14, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No