

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

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**CRR No.773 of 2017 (O&M)
Date of Decision: May 18, 2017**

Yuvraj

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

Mr. Ajay Singla, Advocate
for the complainant.

TEJINDER SINGH DHINDSA, J.

The present revision petition is directed against the order dated 22.11.2016, passed by the learned Additional Sessions Judge, Jalandhar, in terms of which, the judgment of conviction and order of sentence dated 31.03.2016, passed by the Judicial Magistrate 1st Class, Jalandhar, convicting the petitioner for offences punishable under Sections 382/511 and Section 482 of Indian Penal Code, has been affirmed. Petitioner was sentenced in the following terms:-

<i>Name</i>	<i>Under Section</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default</i>
Yuvraj	382/511 IPC	To undergo Rigorous imprisonment for a period of two years	500/-	One week
	482 IPC	To undergo rigorous imprisonment for a period of six months	--	--

Briefly it may be noticed that the process of law was set in motion on the complaint of Harvinder Kaur and who stated that she was working as a Teacher in Mata Gujri High School, Jalandhar and on 17.04.2012, she was coming back to her house after finishing her duty in the School and when she reached near the turning point of Mandir Wali Gali at about 02.15 PM, a motorcyclist riding a black colour Pulsar motor bike bearing registration No.PB-08AX-8060 came near her and an attempt was made to snatch her ear rings. The motorcyclist is alleged to have used force but the complainant obstructed him and raised a hue and cry. People are stated to have gathered and the accused tried to flee on his motorcycle but while doing so, his motorcycle struck against an electric pole and on account of which, the motorcycle was badly damaged and even the accused received various injuries on his person. The accused/present petitioner was captured by the people of the locality at the spot and handed over to the police officials.

After registration of FIR, statements of witnesses were recorded under Section 161 Cr.P.C.. The disclosure statement of the accused was recorded separately. The registration number plate

affixed on the motorcycle was found to be fake on verification from the office of DTO, Jalandhar. After completion of investigation, challan was presented. Finding a prima facie case for offences punishable under Sections 382/511/411/482 of the Indian Penal Code, accused/petitioner was charge-sheeted accordingly and to which he did not plead guilty and claimed trial.

Prosecution in support of its case produced six witnesses. Statement of accused was recorded in terms of Section 313 Cr.P.C. and in which, he denied all the incriminating evidence led by the prosecution and pleaded innocence. Accused however did not adduce any evidence in defence.

The trial has concluded in recording a judgment of conviction and order of sentence as noticed herein above. The same has been affirmed even by the appellate Court.

Learned counsel appearing for the petitioner would submit that he would not have much to say insofar as assailing the conviction of the petitioner on merits. However learned counsel would pray for the indulgence of this Court insofar as quantum of sentence is concerned. Counsel further submits that even a compromise has been effected with the complainant during the pendency of the instant revision petition.

This Court has perused the judgment of conviction recorded by the trial Court. The same is based on due apprehension of cogent and consistent evidence. There would be no basis for this Court to upset the judgment of conviction as such.

This Court however finds sufficient mitigating circumstances to intervene as regards quantum of sentence. The incident relates back to the year 2012. The petitioner has faced the pangs of a trial followed by appeal over a period of five years. As per custody certificate furnished by learned State Counsel, the petitioner has undergone an actual sentence period of five months and 12 days as on 17.05.2017. Even though custody certificate discloses that the petitioner was involved in two other FIRs i.e. FIR No.63 dated 17.04.2012, under Sections 382/34 IPC, registered at Police Station BBK, Jalandhar and FIR No.08 dated 13.01.2014, under Sections 307/324/148/149 IPC, registered at Police Station BBK, Jalandhar, yet it has been conceded that the petitioner has earned acquittal in both these matters.

Petitioner is stated to be a young person and the only bread winner of the family. Complainant namely Harvinder Kaur is represented by Mr. Ajay Singla, Advocate and who has made a statement during the course of hearing that a compromise has been effected with the accused/petitioner.

In view of the mitigating circumstances noticed herein above, this Court is of the view that the ends of justice would be met upon reduction of the substantive sentence awarded to the petitioner from two years rigorous imprisonment to six months rigorous imprisonment.

Accordingly, in view of the reasons recorded above, conviction of the petitioner is upheld and the revision petition to

such extent is dismissed. However, sentence awarded to the petitioner is reduced to a period of six months rigorous imprisonment.

Petitioner who is stated to be in custody, would be released on completion of such reduced sentence upon payment of fine imposed by the trial Court if not already paid,

Revision petition is disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

18.05.2017

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***Whether speaking/reasoned* : Yes/No**

***Whether reportable* : Yes/No**