

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

**CRR No.915 of 2017 (O&M)
Date of Decision: April 19, 2017**

Sahun

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sarfraj Hussain, Advocate
for the petitioner.

Mr.Kuldeep Sharma, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Sahun against respondent State of Haryana, challenging the impugned judgment of conviction dated 17.08.2016 and order of sentence dated 18.08.2016 passed by learned Sub Divisional Judicial Magistrate, Kosli, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 18 months and to pay fine of ₹500/- and in default of payment of fine, to undergo simple imprisonment for a period of one month under Section 174-A IPC and also challenging the judgment dated 20.12.2016 passed by learned Sessions Judge, Rewari, vide which appeal filed by petitioner was dismissed.

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.122 dated 01.06.2016. The brief facts of the case as noted down in the judgment passed by learned JMIC, Kosli, are as under:-

“2. Succinctly, case of prosecution is that on 1.6.2016, a telephonic intimation from Court, Kosli was received at police station Kosli that accused Sahun son of Samardin, resident of Lapla (Raj.), who has been declared proclaimed offender vide order dated 14.9.2015, has been produced before the Court on production warrant in some case. On this information, ASI Mangtu Ram along with constable Satish Kumar reached at Kosli Court and moved an application before Ld. Magistrate for joining the accused in investigation and Court granted permission to join the accused in investigation in case FIR no. 260 dated 16.12.2011, under Section 379 IPC, Police Station Kosli. On that, ASI Mangtu Ram conducted enquiry and the accused Sahun son of Samardin, resident of Lapla, Police Station Tijara by violating the orders of the Court committed offence punishable under Section 174-A IPC.”

Learned SDJM, Kosli after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Sessions Judge, Rewari, vide judgment dated 20.12.2016.

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 only bread earner of the family and suffering from the criminal proceedings since 2016 and he has already undergone actual sentence of 11 months and 16 days including.

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 in view of the fact that petitioner is only bread earner of the family and is facing criminal proceedings since 2016 i.e. for the last about 1 year and also in view of the fact that petitioner has already undergone actual sentence of 11 months and 16 days including remission of 29 days out of the total sentence, the sentence imposed upon the petitioner is reduced to the sentence already undergone by her. However, the sentence of fine and in default thereof, shall remain the same.

Therefore, the present revision petition stands partly allowed.

Petitioner Sahun who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case, subject to payment of fine, if already not paid.

April 19, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No