

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1775-SB-2016 (O&M)
Decided on: 22.05.2018

Vijay
Versus
.... Appellant

State of U.T., Chandigarh
..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl. P.P. U.T. Chandigarh.

H.S. MADAAN, J (ORAL)

Accused Vijay alongwith his co-accused faced trial by Additional Sessions Judge, Chandigarh and vide judgment dated 18.03.2016, he was convicted for offences under Section 411 and 413 IPC and in terms of the order passed on that very date, he was sentenced as follows:-

U/s 411 IPC :	To undergo rigorous imprisonment for one year and six months and to pay a fine of Rs.500/-. In default of payment of fine, to further undergo rigorous imprisonment for fifteen days.
U/s 413 IPC :	To undergo rigorous imprisonment for three years and to pay a fine of Rs.1000/-. In default of payment of fine, to further undergo rigorous imprisonment for one month.

Both the sentences to run concurrently.

Feeling aggrieved, he had preferred an appeal before this Court, in which notice of motion was ordered to be issued.

I have heard learned counsel for the appellant-convict and learned State counsel besides going through the record.

At the very outset, learned counsel for the appellant states that he does not challenge the impugned judgment passed by the trial Court on the point of conviction, but has got submissions as regards the sentence part. According to him, the appellant is only son of his parents, he has to financially support to his old aged parents and young unmarried sister. He comes out from a poor family and is only earning member in the family. He is of young age of 21 years, as such, he be dealt with leniency.

As per custody certificate dated 18.07.2016, he has undergone 1 year and 2 days, which means as of now, 2 years and 10 months of sentence. Though, he is shown to be involved in several other criminal cases, but then he has almost completed his sentence in the present case.

Keeping in view the facts and circumstances of the case and the circumstances explained by the counsel for appellant, I am of the view that ends of justice shall be adequately met if while maintaining the conviction of the appellant-accused, his sentence of 3 years imprisonment is reduced to one already undergone by him in this case. However, the sentence regarding the fine part is kept as intact.

As such the appeal challenging the impugned judgment stands disposed of with the above modification in the sentence. The appellant – Vijay, who is stated to be in custody is ordered to be released forthwith on payment of fine, if his custody is not required in connection with any other case.

Necessary intimation be sent to the quarter concerned.

22.05.2018
Dinesh

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No