

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

**CRA-S-3043-SB of 2017 (O&M)
DATE OF DECISION :- February 22, 2018**

Ravi @ Matlu

Versus

...Appellant

State of Haryana

...Respondent

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

Present:- Mr. Neeraj Yadav, Advocate for the appellant.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

At request of counsel appearing for the appellant, the main case is taken up today for final disposal.

Accused Ravi @ Matlu and Kapil alias Sachin, both of them being accused in F.I.R. No. 502 dated 3.11.2016 for offence under Section 379-A of the Indian Penal Code registered with Police Station Model Town Rewari, faced trial by Sessions Judge, Rewari, on the allegations that on 3.11.2016 at about 3.25 P.M., when complainant Smt. Santosh Yadav wife of Sh. Amrit Lal, along with her friend Urmila was returning from H. No. 274 Sector-4, Rewari after attending some family function and had reached near park Sector 4, Rewari, then both the accused riding on a motorcycle came there. Motorcycle was being driven by accused Ravi @ Matlu. Sachin was pillion riding that said motorcycle and accused Ravi @ Matlu had snatched a gold chain from the neck of the complainant. Both the accused were arrested in this case and were challaned.

After consideration, charge for offence under Section 379-A of

the Indian Penal Code was framed against the accused to which they pleaded not guilty and claimed trial.

Statements of accused were recorded under Section 313 Cr.P.C. in which all the incriminating circumstances appearing against them in the prosecution evidence were put to them but they denied the same contending that they are innocent and have been falsely involved in this case. Vide judgment dated 17.8.2017 accused Ravi @ Matlu was convicted for offence under Section 411 IPC and sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of Rs.5,000/- and in default of payment of fine, to further undergo simple imprisonment for 3 months, whereas accused Kapil @ Sachin was acquitted of the charge framed against him.

Accused-convict Ravi @ Matlu has approached this Court by way of filing Criminal Appeal which came up for hearing on 28.9.2017, when it was admitted. An application for suspension of sentence has been filed in response thereto, the State counsel has placed on record custody certificate showing that petitioner has undergone total sentence of 8 months and 21 days.

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

Learned counsel for the appellant has stated that he does not challenge the judgment passed by the trial Court as regards the conviction but wants to put forward certain contentions with regard to the sentence part. According to him, accused-convict is of young age of 25 years; that his family is dependent upon him for financial support and he is not a previous convict; that his brother has become totally disabled as a result of injuries received in a motor vehicle accident; that his father is a patient of Asthma

and his mother acts as a domestic help to maintain the family.

Hearing such contentions put forward by the learned counsel for the appellant and in light of the facts and circumstances of the case, I am of the considered view that ends of justice shall be adequately met if sentence of the accused is reduced to one already undergone by him while in custody in this case. Therefore, the appeal is accepted partly, inasmuch as the impugned judgment is upheld regarding the conviction of the appellant-accused for offence under Section 411 IPC, whereas the sentence imposed of 2 years of rigorous imprisonment is reduced to one already undergone by him in this case. The fine is stated to have already been paid.

(H.S. MADAAN)
JUDGE

February 22, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No