

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

CRA-S-4563-SB-2017 (O&M)

Date of Decision:-5.12.2018

Vicky

... Appellant

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karan Singla, Advocate for the appellant.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Rujhan Dhawan, Advocate for respondent No.2.

GURVINDER SINGH GILL, J.(Oral)

The appellant Vicky has filed this appeal assailing impugned judgment dated 31.10.2017 passed by learned Additional Sessions Judge, Ludhiana whereby while holding him guilty of having committed offence punishable under Section 379-B of Indian Penal Code, 1860, he has been sentenced to undergo rigorous imprisonment for 5 years and has also been imposed fine amounting to Rs.10,000/-

The allegations, in nutshell, are that on 8.4.2016 while the complainant Munish Kumar was traveling from Ambala to Ludhiana on Train No.14673 'Sahid Express', then one unidentified person aged 18-20 years snatched mobile phone SAMSUNG-J-7 No.85288-51585, IMEI No.356273072368072-356273072368070 from the complainant. Subsequently, during investigation the police found that the aforesaid mobile phone was being used with SIM bearing No.98030-00260. The user of the said SIM card was traced to be Kulwant Singh, who was contacted and who

disclosed that he had purchased the said mobile phone from Vicky. On the identification of Kulwant Singh, the said Vicky was identified and was arrested by the police. The learned trial Court upon appreciating evidence led before it held the accused guilty vide impugned judgment, which has been assailed before this Court.

During the course of pendency of this appeal, a compromise was stated to have been effected amongst parties.

Vide order dated 19.2.2018, the parties were directed to appear before the trial Court/Illaqa Magistrate so as to get their statements recorded qua the factum of compromise.

Report of learned Sub-Divisional Judicial Magistrate, Khanna has been received to the effect that the statement of complainant and also of the accused Vicky have been recorded to the effect that they have compromised the matter amongst themselves. The complainant specifically stated that he has no objection in case the order regarding remaining imprisonment imposed upon the accused is set aside.

It has specifically been opined by learned Sub-Divisional Judicial Magistrate, Khanna that the parties have entered into compromise voluntarily and without there being any pressure, coercion or undue influence.

Having heard the learned counsel for the appellant and also having perused the impugned judgment, I do not find any infirmity in the findings as regards conviction. Since the parties have entered into a compromise and it is also a specific prayer of the applicant/appellant, as per his application CRM-41240-2017 for reducing the sentence of imprisonment to the period already undergone, this Court find that there is room for

reduction of in sentence of imprisonment especially keeping in view the fact that the appellant Vicky as on today has already undergone more than 1 year and 4 months out of the imposed sentence of 5 years. Consequently, the appeal is partly accepted to the limited extent of quantum, which is reduced to the one already undergone. The fine as imposed upon the appellant shall, however, remain same. The appellant is ordered to be released, if not, required in any other case.

The appeal stands partly accepted in above mentioned terms.

5.12.2018
pankaj

(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking	Yes / No
Whether reportable	Yes / No