

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1741-2011

Decided on: 13.03.2018

Shamsher Singh

.... Petitioner

Versus

State of Haryana

..... Respondent

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

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J (ORAL)

Shamsher Singh was tried by Judicial Magistrate 1st Class, Pehowa who vide judgment dated 18.08.2010 convicted and sentenced him as follows:-

under Sections 420 & 468 IPC :	to undergo rigorous imprisonment for two years and fine of Rs.1000/-, in default of payment of fine, to further undergo simple imprisonment for thirty days.
under Sections 467 IPC :	to undergo rigorous imprisonment for three years and fine of Rs.1000/-, in default of payment of fine, to further undergo simple imprisonment for thirty days.

All the sentences were ordered to run concurrently.

Feeling aggrieved by the said judgment of his conviction and order of sentence, he had preferred an appeal to Court of Sessions, but the same was dismissed by Additional Sessions Judge, Kurukshetra vide order dated 12.07.2011.

Thereafter, the accused-convict has preferred a revision petition before this Court which came up for hearing. Sentence of petitioner-convict was suspended.

I have heard learned counsel for the petitioner-convict, learned State counsel besides going through the record.

Learned counsel for the revisionist submits that he does not challenge the impugned judgment passed by the Courts below on the point of conviction, but wants to make submissions regarding the sentence part. According to him, the petitioner has already undergone more than nine months of imprisonment and he is not involved in any other criminal case. The matter relates to the year 1990. The dispute is between the real relations. The petitioner is now aged about 50 years he has not indulged in any criminal activity, after being convicted in this case and leniency be shown to him.

Keeping in view the facts and circumstances of the case and contention put forward by learned counsel for the revisionist, I am of the view that ends of justice shall be adequately met if the revisionist-accused is sentence to imprisonment already undergone by him in this case while maintaining the fine which is said to have been paid.

Therefore, the revision petition is accepted partly. The impugned judgments are upheld as regards the conviction part whereas, regarding the sentence part, those are modified inasmuch as petitioner is sentenced to imprisonment already undergone by him in this case.

13.03.2018
Dinesh

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No