

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRR-1747-2013

Date of decision : 07.03.2018

Modu alias Moda

... Petitioner

Versus

State of Haryana

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Ravi Pratap, AAG, Haryana.

AMOL RATTAN SINGH, J.(ORAL)

Learned counsel for the petitioner submits that even though as per the testimony of the complainant himself as PW-1, no mobile phones at all were recovered from the petitioner, whereas the case of the prosecution was that 12 mobile phones were recovered from him, he yet confines his arguments to only the quantum of sentence imposed upon the petitioner after his conviction for the commission of offences punishable under Sections 457 and 380 IPC.

Though learned State counsel has reiterated the fact that stolen property was actually recovered from the complainant and to that extent the complainant may have been won over at the time of his testimony and that the petitioner is a habitual offender, considering the fact that the complainant himself admitted that no mobile phone was recovered, and

State counsel, the petitioner had already undergone 6 months and 13 days of actual custody (with a remission of 15 days earned), out of the one year sentence imposed upon him, the petition is allowed to the extent that the sentence of imprisonment imposed upon the petitioner in respect of each of the offences for which he has been convicted, i.e. Sections 457 and 380 IPC, is reduced to the period of custody already undergone by him.

The sentence already having been suspended earlier vide an order of this Court dated August 20, 2013, the bail and surety bonds shall be now discharged as per procedure.

(AMOL RATTAN SINGH)
JUDGE

March 07, 2018.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No