

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

**CRR-2035 of 2016(O&M)
Date of Decision: 17.07.2018**

Mofi Dogra

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Rajiv Joshi Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

The instant petition has been preferred by the petitioner against judgment dated 13.05.2016 of learned Additional Sessions Judge, Jalandhar, affirming the judgment of conviction and order of sentence dated 16.11.2015 of learned Sub Divisional Judicial Magistrate, Nakodar,, whereby he has been held guilty him under Section 392 IPC.

In nutshell, petitioner was booked, tried and convicted under Section 392 IPC in case FIR No.104 dated 05.06.2009 registered under Sections 392/34 IPC, at Police Station Nakodar, Jalandhar, and sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs.5,000/- under Section 392 IPC. In default to further undergo rigorous imprisonment for two months.

Learned counsel for the petitioner submits that he does not challenge the impugned judgments qua conviction of the petitioner on merit and prays that since the petitioner is not involved in any other case,

Therefore, his quantum of sentence may be taken into consideration with

leniency. He has suffered a long protracted trial since 2009. He is aged around 37 years having family to feed. He is the sole bread earner of the family.

As per custody certificate dated 29.11.2017 filed by learned State counsel today, which is taken on record, petitioner–Mofi Dogra has undergone actual sentence of 10 months, 23 days and 01 year and 09 days, which includes remission of 01 month and 16 days.

Considering the overall circumstances of the case and the fact that petitioner is first offender and has not been found involved in any other case, except the present one and that he has served more than half of his sentence, out of two years sentence awarded to him by the trial Court, this Court is of the view that no useful purpose will be served by sending him behind bars further. Accordingly, the impugned judgment of conviction is upheld. The revision, to this extent, is dismissed. However, in view of the above discussion, order of sentence dated 16.11.2015 is modified to the extent that the sentence awarded to the petitioner is reduced to the period already undergone. It goes without saying that if the amount of fine is not deposited, the petitioner will serve the remaining part of sentence.

With the observations made above, present revision petition is disposed of.

July 17, 2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No