

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

**Criminal Revision No.2690 of 2016 (O&M)
Date of Decision: September 25, 2018**

Bintu

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vineet Chaudhary, Advocate
for the petitioner (s).

Mr. Amrik Narwal, D.A.G., Haryana.

SURINDER GUPTA, J.

The present revision petition has been filed against the judgment dated 29.03.2016 passed by learned Additional Sessions Judge, Kaithal dismissing the appeal filed by the present petitioner-convict against the judgment of conviction dated 20.07.2015 and order of sentence dated 21.07.2015 passed by learned Judicial Magistrate, Guhla vide which the petitioner has been convicted for the offence punishable under Section 411 Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of three years.

As per the case of prosecution, motorcycle of complainant Kesh Pal, who had gone to Court Complex, Guhla on 15.05.2014 was stolen. During investigation of the case bearing FIR No.320 dated 20.12.2014 registered at Police Station, Pundri, accused Naresh @ Mani

suffered disclosure statement that petitioner had come to him to sell stolen motorcycle bearing Registration No.HR-09-B-2481 but he refused to purchase the same. The petitioner was apprehended and motorcycle recovered on his disclosure statement, was taken into possession.

Learned counsel for the petitioner has confined his submission only for taking lenient view on the quantum of sentence without challenging the conviction of the petitioner on merits. He has argued that perusal of the custody certificate shows that petitioner is in custody since 02.03.2015. Earlier he was undergoing sentence awarded to him in case bearing FIR No.210 dated 28.11.2011 registered at Police Station, Cheeka, Kaithal, which was completed on 06.04.2018 and thereafter his sentence in this case was started. He has submitted that petitioner is sole bread-earner of his family and suffered for the offence committed by him by undergoing sentence for a long period of more than 3½ years, as such, lenient view be taken and sentence awarded to the petitioner be reduced to the period already undergone by him.

Custody certificate shows that in this case, petitioner has undergone imprisonment of total 10 months 13 days as on 23.09.2018. However, he has been convicted and sentenced in a number of other cases as well.

Keeping in view the submissions of learned counsel for the petitioner and the fact that petitioner is in custody for the last about 4 years (he is in custody since 10.10.2012 when he was sent to Jail in case bearing FIR No.500 of 2011 registered at Police Station, Nissing, Karnal for the

offence punishable under Section 392 IPC) and the nature of offence, I am

of the opinion that the ends of justice will be fully met, if the sentence of imprisonment of petitioner is reduced from rigorous imprisonment for 3 years to rigorous imprisonment for 18 months.

As a sequel of my above discussion, this revision petition is partly accepted. Conviction of the petitioner as recorded by the trial Court and affirmed by the appellate Court for the offence punishable under Section 411 IPC, is maintained. However, sentence of imprisonment of petitioner is reduced from rigorous imprisonment for 3 years to rigorous imprisonment for 18 months. Intimation in this regard be sent to Superintendent, District Prison, Karnal (Haryana).

September 25, 2018

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No