

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-4001-2014 (O&M)

Date of decision: 06.12.2018

Vinod

..... Petitioner

Versus

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Arvind Bansal, Advocate for the petitioner.

Mr. PK Garg, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

The instant revision has been preferred by the petitioner against judgment dated 11.09.2014, of learned Additional Sessions Judge, Kaithal, affirming the judgment of conviction dated 05.09.2012 and order of sentence dated 06.09.2012 of the trial Court, whereby the petitioner along with is co-accused was held guilty under Sections 420, 467, 468 and 471 IPC and sentenced as under:-

Under Section 420 IPC	To undergo rigorous imprisonment for a period of two years and to pay fine of Rs.1000/-. In default thereof, to further undergo simple imprisonment for one month.
Under Section 467 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.2000/-. In default thereof, to further undergo simple imprisonment for two months.
Under Section 468 IPC	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.2000/-. In default thereof, to further undergo simple imprisonment for two months.

Under Section 471 IPC	To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.500/-. In default thereof, to further undergo simple imprisonment for fifteen days.
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All the sentences were ordered to run concurrently.

In nutshell, petitioner along with his co-accused was booked and tried in case FIR No. 95 dated 05.03.2008 registered under Sections 379, 41, 414, 420, 467, 468 and 471 IPC at Police Station City, Kaithal and vide judgment of conviction dated 05.09.2012 and order of sentence dated 06.09.2012 of the trial Court, he was held guilty and sentenced as narrated above.

At the outset, learned counsel for the petitioner submits that he does not challenge the impugned judgments qua conviction of the petitioner on merits. On quantum of sentence, learned counsel prays for taking a lenient view urging that co-accused Suresh @ Mintu, who had forged the registration certificate of the stolen vehicle make 'Chevorlet Tavera' was acquitted by the Ist Appellate Court. The sentences of main accused, namely; Rajbir and Balwinder, have already been reduced to the period already undergone by a co-ordinate Bench of this Court vide orders dated 30.10.2014 and 11.12.2014, passed in CRR-3053-2014 and CRR-3836-2014, respectively. Co-accused-Rajbir, had only undergone 02 months and 11 days and Balwinder, had undergone 07 months and 04 days, out of the substantial sentence of 1 year awarded to them, whereas the petitioner has already undergone 10 months and 04 days including remissions. Therefore, the case of the petitioner is on better footing with that of his co-accused for reducing his sentence to the period already undergone by him.

As per custody certificate filed by learned State counsel,

04 days (including remissions), out of the maximum sentence of 3 years awarded to him.

Accordingly, the impugned judgments of conviction passed by the Courts below are upheld. The revision, to this extent, is dismissed. However, considering the custody period of the petitioner, order of sentence dated 06.09.2012, is modified to the extent that the sentence awarded to the petitioner is reduced to the period already undergone.

Present revision petition is disposed of as such.

December 06, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**