

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 3423 of 2016

Date of Decision: January 25, 2018

Surjit Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Brar, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

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Sudhir Mittal, J. (Oral)

The petitioner has been convicted under Section 304-A IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of ₹ 2000/- and in default of payment of fine to further undergo simple imprisonment for 15 days; under Section 279 IPC and sentenced to undergo rigorous imprisonment for six months and to pay a fine a fine of ₹ 1000/- and in default of payment of fine to further undergo simple imprisonment for 15 days; under Section 338 IPC and sentenced to undergo rigorous imprisonment for one year and under Section 337 IPC and sentenced to undergo rigorous imprisonment for three months. All the sentences have been directed to run concurrently. The punishments as, mentioned hereinabove, were awarded vide judgment and order dated 17.02.2014 passed by the Judicial Magistrate Ist Class, Patti. The petitioner's appeal was rejected vide judgment dated 15.7.2016 passed by Sessions Judge, Tarn Taran. Hence, the present revision petition has been filed.

Notice of motion was issued regarding quantum of sentence vide order dated 21.9.2016. Custody certificate dated 24.01.2018 prepared by Sh. Vipanjit

Singh Sidhu, Superintendent, Central Prison, Faridkot has been filed in the Court

today and the same is taken on record. According to this certificate, the petitioner has undergone actual sentence of one year, nine months and twenty seven days.

In the aforementioned facts and circumstances, I deem it appropriate to modify the impugned orders. Keeping in view the period of sentence undergone by the petitioner and the other circumstances, it would be in the interest of justice if the order of sentence is modified and petitioner is sentenced to the period already undergone by him. Accordingly, the conviction of the petitioner shall be maintained, however, sentence is reduced to the period already undergone by him. He shall be released forthwith. Copy of this judgment be sent to the trial Court for compliance.

The petition is disposed of.

January 25, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No