

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 1577 of 2017

Date of Decision: 05.10.2018

Surender @ Monu

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anoop Kumar Yadav, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.

Petitioner-Surender @ Monu was convicted and sentenced to undergo rigorous imprisonment for three years and to pay a fine of ₹1000/- by the Chief Judicial Magistrate, Narnaul, for offence punishable under Section 392 of Indian Penal Code (for short 'IPC'), which was maintained by the Appellate Court of learned Additional Sessions Judge, Narnaul while dismissing the appeal filed by the petitioner.

2. Learned counsel for the petitioner has not challenged the conviction of petitioner as recorded by Courts below and has confined his submission for taking a lenient view regarding the quantum of sentence. He has argued that petitioner at the time of occurrence was a young boy of 22 years of age. He is not a previous convict and has already undergone actual sentence of 1 year 10 months and 13 days and 2 years 2 months and 8 days by including the remissions earned by him. Keeping in view age and antecedents of the petitioner his sentence may be reduced to the period of sentence already undergone by him.

3. Case of prosecution, in brief, is that Surender, an employee of Gagan Wines, was given ₹5,50,000/- to deposit in HDFC Bank. He alongwith Ved Parkash was going to the bank on their motorcycle, when three persons stopped them and snatched the bag containing money on gun point. The petitioner was arrested and his test identification parade was got conducted in District Jail, Narnaul. After conclusion of evidence, challan against him was presented in Court.

4. As learned counsel for the petitioner has not challenged the conviction of petitioner on merit, evidence produced before the trial Court is not required to be discussed in detail.

5. Perusal of file shows that the petitioner was 22 years of age at the time of commission of offence. Custody certificate produced on file shows that he is not a previous convict. A case under Section 174-A IPC was registered against him as he was declared proclaimed offender in this case. The custody certificate shows that he has already undergone actual sentence of 01 year 10 months and 13 days , which include post conviction period of 01 year 08 months and 19 days.

6. Keeping in view age, antecedents of petitioner and nature of offence committed by him, I am of the opinion that awarding him sentence of 02 years and 03 months will serve the ends of justice.

7. Consequently, the instant revision is partly accepted. Conviction of petitioner for offence punishable under Section 392 IPC as recorded by Courts below is upheld. However, the sentence awarded to the petitioner is reduced from 03 years rigorous imprisonment to 02 years and 03 months rigorous imprisonment but the sentence of fine is maintained. Trial Court is directed to proceed further to recover the amount of fine from the petitioner,

if not already deposited by him.

8. Intimation regarding reduction of sentence of petitioner be sent to Superintendent, District Prisons, Jhajjar.

October 05, 2018
jk

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>