

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2045-2017 (O&M)
Decided on: 19.03.2018

Sukhwinder Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Haryana.

H.S. MADAAN, J (ORAL)

Accused Sukhwinder Singh was convicted by Judicial Magistrate 1st Class, Batala for an offence under Section 411 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.3000/-, in default of payment of fine, to further undergo imprisonment for a period of two months vide judgment dated 08.09.2014.

The accused-convict had preferred an appeal against the impugned judgment of conviction and sentence which was assigned to learned Additional Sessions Judge, Gurdaspur, who vide his judgment dated 05.11.2016, dismissed the same.

Feeling aggrieved, he had preferred a revision petition, in which notice of motion was ordered to be issued.

I have heard learned counsel for the revisionist-convict and learned State counsel besides going through the record.

Learned counsel for the revisionist has contended that he does not challenge the impugned judgments passed by the Courts below on the point of

conviction, but wants to make submissions with regard to the sentence part. According to him, the revisionist is a poor person and not a previous convict and his family is dependent upon him for financial support; he is behind the bars for more than 8 months, as such, a lenient view in the matter be taken.

According to the custody certificate of the revisionist placed on file by the State counsel which is dated 09.11.2017, the period of total custody was 4 months and 16 days, which on date, comes out to be more than 8 months. He is not shown to be involved in any other criminal case.

Keeping in view the facts and circumstances of the case and the circumstances explained by the counsel for revisionist, I am of the view that ends of justice shall be adequately met if while maintaining his conviction, his sentence of two years imprisonment is reduced to one already undergone by him in this case. However, the sentence regarding the fine part is kept as intact.

As such the revision petition challenging the impugned judgment stands disposed of with the above modification in the sentence. The revisionist – Sukhwinder Singh, who is stated to be in custody is ordered to be released forthwith on payment of fine, if his custody is not required in connection with any other case.

Necessary intimation be sent to the quarter concerned.

19.03.2018
Dinesh

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No