

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR-2285-2017 (O&M)

DATE OF DECISION :- February 08, 2018

Birender Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Brijender Kaushik, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Birender Singh, an accused in FIR No.104 dated 03.04.2008 for the offences under Sections 420, 467, 468, 471 registered at Police Station Assandh, Karnal, was tried by Sub Divisional Judicial Magistrate, Assandh (Karnal) and vide judgment dated 08.08.2014 was convicted under Sections 420, 467, 468, 471 IPC and vide order dated 11.08.2014, he was sentenced to undergo rigorous imprisonment for a period of two years for offence punishable under Section 420 IPC and to pay a fine of Rs.500/- as well as for the offences punishable under Sections 467, 468, 471 IPC and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.800/- each. Although sentence in default of payment of fine to further undergo imprisonment for a period of two months.

All the sentences were ordered to run concurrently.

The accused had filed an appeal in the Court of Sessions but the

same was dismissed vide judgment dated 24.05.2017. As such, he has filed a criminal revision petition before this Court, notice of which was given to the State.

Learned State counsel has placed on file custody certificate of the petitioner, which shows that on 11.01.2018, the petitioner has undergone 09 months and 19 days (including remission) out of the total sentence, which means that till date he has undergone about 11 months. He has further placed on record a certificate issued by the Punjab National Bank to the effect that no loan is outstanding in the name of (petitioner) Birender Singh S/o Hakam Singh as on date and authenticity of NOC has also been confirmed.

At the very outset, learned counsel for the petitioner states that he does not challenge the judgment passed by the Courts below as regards the conviction but wants to make submissions with regard to sentence part. He states that petitioner is aged about 60 years, he does not have any criminal past, he has since cleared the bank dues and he is in custody for last about 11 months, therefore, a lenient view in the matter be taken.

I am of the considered view that ends of justice shall be met, if sentence of the revision petitioner is reduced to already undergone by him.

Therefore, the present criminal revision petition stands disposed of, inasmuch as the impugned judgments are upheld as far as the conviction of the accused is concerned but regarding the sentence part those are modified to the extent that he is sentenced to imprisonment already undergone by him in this case. Since it is stated that petitioner is in custody in this case, so he is ordered to be released immediately, if his custody is not

required in connection with any other case.

(H.S. MADAAN)
JUDGE

08.02.2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No