

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR-4031-2017 (O&M)  
Decided on: 18.04.2018

Vicky  
State of Punjab

Versus

.... Petitioner  
..... Respondent

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

Present: Ms. Nidhi Garg, Advocate  
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

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**H.S. MADAAN, J (ORAL)**

Accused Vicky alongwith his co-accused was tried by Judicial Magistrate 1<sup>st</sup> Class, Moga for an offence under Section 382 of IPC vide judgment dated 03.01.2017. The accused Tarsem Singh, Harnek Singh and Vicky were convicted for an offence under Section 382 of IPC, whereas remaining accused were acquitted and vide order of even date, these three convicts were sentenced to undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.500/- each.

2. Feeling dissatisfied with the said judgment of conviction and sentence, Vicky had preferred an appeal before the Court of Sessions, which was dismissed by Additional Sessions Judge, Moga vide judgment dated 03.08.2017. Thereafter, he has approached this Court by way of filing the revision petition. Notice of which was given to the State.

3. I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

4. At the very outset, learned counsel for the petitioner states that she does not challenge the impugned judgments passed by the Courts below on the

point of conviction of accused for an offence under Section 382 IPC, but wants to put forward submissions with regard to sentence part. According to her, the petitioner is a poor person and sole bread earner of his family. He has already undergone 1 year, 10 months and 18 days, out of substantive sentence of 3 years, therefore, lenient view in the matter may be taken.

5. After hearing learned counsel and going through the record, I find that ends of justice shall be adequately met if while upholding the judgments passed by the Courts below as regards the conviction of the petitioner-accused, the sentence awarded to him is reduced to one already undergone by him in this case. Though, maintaining the fine part, it is ordered accordingly.

6. Therefore, the petition stands disposed of inasmuch as the impugned judgments are upheld as regards the conviction and with regard to sentence, the same is modified and he is sentenced to imprisonment already undergone by him in this case. The petitioner – Vicky, who is stated to be in custody is ordered to be released forthwith on payment of fine, if not already paid/deposited and if his custody is not required in connection with any other case.

7. Necessary intimation be sent to the quarter concerned.

**18.04.2018**

Dinesh

**(H.S. MADAAN )  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No