

CRR No.1723 of 2018 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.247

Criminal Revision No.1723 of 2018 (O&M)
DECIDED ON: November 21, 2018

PAWAN

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashwani Bhardwaj, Advocate,
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

FIR No. 414 dated 30.05.2011 under Sections 279, 337, 338 & 304-A IPC came to be registered against the petitioner at Police Station Sadar, Hisar. On presentation of challan, he was tried by the learned JMJC, Hisar and vide impugned judgment dated 11.05.2015, he was convicted under Sections 279, 337, 338, 304-A IPC and was sentenced to undergo simple imprisonment for a period of one year.

3. Aggrieved against the judgment of conviction dated 11.05.2015 and order of sentence dated 12.05.2015, the petitioner preferred an appeal and vide impugned judgment dated 23.02.2018 passed by the Sessions Judge, Hisar, the conviction was upheld and the sentence was modified as

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under:-

U/s	S.I.	Fine (₹)	In default
279 IPC	06 months	--	--
337 IPC	06 months	--	--
338 IPC	01 year	--	--
304-A IPC	01 year	--	--

Sentences were to run concurrently.

Hence, the instant revision petition before this Court.

4. Learned counsel for the petitioner submits that petitioner is a poor person and is the sole bread winner in his family. He prays for leniency and for reduction in the quantum of sentence.

5. Custody certificate dated 20.11.2018, prepared by Sh. S.S. Dahiya, Superintendent of Prison, Central Jail No.1, Hissar, has been filed by the learned State counsel in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 08 months and 28 days including remission and that there is no other criminal case pending/decided against him.

6. A perusal of record reveals that FIR was registered on 30.05.2011 and petitioner was convicted on 11.05.2015. His appeal was decided on 23.02.2018 and since then he has been in custody. Thus, the petitioner faced travails of trial for about four years besides undergoing sentence of about nine months. Thus, I feel that the petitioner has been adequately punished.

7. Keeping in view the fact that one of the objectives of the criminal jurisprudence is to reform a convict and in view of the judgment of the Hon'ble Supreme Court in '**Utham Rajanna V. State of U.P 2005(11) SCC 531**,' the impugned judgment of conviction dated 11.05.2015 passed by the JMIC, Hisar and as upheld by the Sessions Judge, Hisar vide

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impugned judgment dated 23.02.2018 is maintained. So far as sentence of the petitioner is concerned, the same is reduced and the petitioner is sentenced to the period already undergone by him.

8. With the above modification in the sentence part, instant revision petition is hereby dismissed. The petitioner is ordered to be set at liberty in case he is not required in any other case.

9. A copy of this order be sent to the Court/successor Court of the convicting Magistrate concerned for compliance.

November 21, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No