

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

CRR-1770-2018 (O&M)

Date of Decision:-6.12.2018

Avtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Puja Chopra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner assails judgment dated 25.4.2018 passed by learned Additional Sessions Judge, Patiala whereby conviction of the petitioner, as recorded by learned JMIC, Patiala vide judgment dated 13.10.2017 for offences under Sections 170, 465 and 471 IPC has been upheld. The petitioner has been sentenced to undergo rigorous imprisonment for one year for the said offences.

Vide order dated 25.9.2018, this Court had issued notice of motion to examine the propriety of quantum of sentence only.

I have heard learned counsel for the petitioner and also the learned counsel representing the State of Punjab.

I have also perused the impugned judgments. The allegation in nutshell are that upon checking of staff by SHO, it was found that the petitioner was wearing a badge of Punjab Police and carrying an identity card of Punjab Police, although he was police home guard only.

Upon perusal of the impugned judgments, I do not find any infirmity in the findings of conviction as recorded by the Courts below. Consequently, the conviction of the petitioner is upheld. However, I find that there is some room for reduction of sentence, especially keeping in view the fact that the petitioner has already been dismissed from service and there is no instance to the effect that the petitioner had ever cheated anybody by wearing a badge of Punjab Police or by carrying an identity Card showing himself to be of Punjab Police though he was a police Home Guard.

As per custody certificate filed today in the Court, the petitioner has already undergone 8 months and 24 days out of the imposed sentence of 1 year. The petitioner is not stated to be a previous convict.

Bearing the aforesaid facts in mind, the petition is accepted to the limited extent qua the reduction of quantum of sentence, which is reduced from 1 year to the one already undergone. The fine shall, however, remain unaltered.

The revision petition stands disposed of with aforesaid modification in sentence.

6.12.2018

kamal

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No