

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 650 of 2017 (O&M)
Date of Decision: November 26, 2018

Satpal Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. B.S. Randhawa, Advocate
for the petitioner

Mr. Luvinder Sofat, AAG Punjab

Sudhir Mittal, J. (Oral)

FIR No. 46 dated 03.02.2009 under Sections 420, 467, 468, 471, 120-B IPC was registered against the petitioner at Police Station Division No. 4, Jalandhar. On presentation of challan, he was tried by the learned Chief Judicial Magistrate, Jalandhar, and vide judgment dated 10.04.2015, he was convicted and sentenced as under:-

Under Section	Sentence
466 IPC	RI for three years and to pay a fine of Rs. 2000/- and in default of payment of fine to further undergo SI for two months
471 IPC	RI for three years and to pay a fine of Rs. 2000/- and in default of payment of fine to further undergo SI for two months
120-B IPC	RI for three years and to pay a fine of Rs. 2000/- and in default of payment of fine to further undergo SI for two months

Sentence are to run concurrently.

2. Aggrieved against the judgment of conviction and order of sentence, the petitioner preferred an appeal and vide impugned judgment dated 20.08.2016

passed by the learned Additional Sessions Judge, Jalandhar, the same was dismissed. Hence, the present revision petition.

3. Notice was issued in this petition as learned counsel for the petitioner submitted that lenient view may be taken regarding the quantum of sentence awarded to the petitioner without challenging his conviction.

4. Custody certificate dated 24.11.2018 prepared by Sh. Kulwant Singh Sidhu, PPS, Deputy Superintendent, Central Jail, Kapurthala, has been filed in the Court today and the same is taken on record.

5. According to this certificate, the petitioner has undergone actual custody of two years, eight months and two days including remission and that there is no other criminal case pending/decided against the petitioner.

6. Learned counsel for the petitioner submits that the petitioner is a poor person and the only bread winner of the family.

7. A perusal of the record shows that the petitioner has already undergone protracted trial for about seven years because FIR was registered against him on 03.02.2009 and date of his conviction is 20.08.2016. His appeal was dismissed and since then he has undergone actual custody of two years, eight months and two days. The petitioner is not a hardened criminal and is the first offender as is evident from the custody certificate placed on record by learned State counsel.

8. Keeping in view that one of the objectives of the criminal jurisprudence is to reform a convict and the fact that the petitioner has undergone protracted trial for about seven years, besides undergoing sentence of more than two years, I feel that the petitioner has been adequately punished.

9. Accordingly, in view of the judgment passed by Hon'ble Supreme Court in ***Utham Rajanna vs. State of U.P., 2005(11) SCC 531***, the judgment of conviction dated 10.04.2015 passed by the Chief Judicial Magistrate, Jalandhar and

is upheld by Additional Sessions Judge, Jalandhar vide impugned judgment dated

20.08.2016, is affirmed. So far as order of sentence is concerned, the petitioner is sentenced to the period already undergone by him.

10. With the above modification in the impugned order of sentence, instant revision petition is dismissed. The petitioner be set at liberty forthwith, in case he is not required in any other case.

11. Copy of this order be sent to the Court/Successor Court of the Convicting Magistrate, concerned for compliance.

November 26, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No