

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.253

Criminal Revision No.2568 of 2018 (O&M)
DECIDED ON: November 15, 2018

RAJINDER

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Hoshiar Singh Jaswal, Advocate,
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

FIR No.272, dated 19.07.2014, under Section 379 IPC, came to be registered at Police Station Sadar, Jind against the petitioner-Rajinder along with his co-accused Subeg Singh @ Bagga Singh. On presentation of challan, they were tried by the learned Judicial Magistrate 1st Class, Jind and vide impugned judgment dated 13.11.2017, they were convicted under Section 379 IPC and sentenced as under:

U/s	RI	Fine (₹)	In default
379 IPC	02 years	2000/- each	01 month (S.I.)

2. The petitioner along with his co-accused Subeg Singh @ Bagga Singh preferred appeal against the judgment of conviction and order of

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sentence dated 13.11.2017 and the same was dismissed by learned Additional Sessions Judge, Jind vide judgment dated 06.06.2018. Hence, the instant revision petition before this Court.

3. Notice of motion was issued only because learned counsel for the petitioner had prayed for leniency and for reduction of quantum of sentence.

4. The co-accused of the petitioner namely Subeg Singh @ Bagga Singh also filed revision petition before this Court and vide order dated 07.09.2018 passed by this Court in CRR No.2228 of 2018 (O&M), the same was allowed due to composition of the offence and he was acquitted.

5. Learned counsel for the petitioner submits that petitioner is a poor person having small children to look after, besides his old-aged parents and that lenient view may be taken against him by reducing his sentence to the period already undergone.

6. A perusal of the record shows that challan against the petitioner and his co-accused was presented on 20.08.2014 and thereafter, judgment of conviction and order of sentence was passed against them on 13.11.2017. Their appeal was dismissed on 06.06.2018 and since then petitioner-Rajinder has been in custody. He has suffered travails of the trial for about four years.

7. Custody certificate dated 14.11.2018, prepared by Sh. Satyabhan, Deputy Superintendent, District Prison (Jind), Haryana has been filed in the Court by learned State counsel today in Court and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 06 months and 17 day including remission and that there is no other criminal case pending/decided against him.

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8. Keeping in view the fact that one of the objectives of the criminal jurisprudence, is to reform a convict and the fact that the petitioner has undergone a protracted trial for about 04 years besides undergoing the sentence of 06 months and 17 days, I feel that petitioner has been adequately punished. Accordingly, keeping in view the facts and circumstances of the case and in view of the judgment of Hon'ble Supreme Court in *Uthem Rajanna vs. State of U.P., 2005 (11) SCC 531*, the impugned judgment of conviction dated 13.11.2017, passed by learned Judicial Magistrate 1st Class, Jind and as upheld by learned Additional Sessions Judge, Jind, vide impugned judgment dated 06.06.2018, is maintained. So far as the order of sentence is concerned, the same is modified and petitioner-Rajinder is sentenced to the period already undergone by him. He is ordered to be set at liberty, in case he is not required in any other case.

9. With the above modification in the impugned order of sentence, the instant revision is dismissed.

10. A copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned, for compliance.

November 15, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No