

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 2569 of 2018 (O&M)
Date of Decision: December 03, 2018

Bikramjit Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Sidhu, Advocate
for the petitioner

Mr. Luvinder Sofat, AAG Punjab

Sudhir Mittal, J. (Oral)

FIR No. 36 dated 28.03.2013 under Sections 304-A, 337, 338, 427, 279

IPC was registered against the petitioner at Police Station Harike, District Tarn Taran. On presentation of challan, he was tried by the learned Judicial Magistrate Ist Class, Patti, and vide judgment dated 02.12.2016, he was convicted and sentenced as under:-

Under Section	Sentence
304-A IPC	RI for two years and to pay a fine of Rs. 1000/- and in default of payment of fine to further undergo RI for one month
279 IPC	SI for two months and to pay a fine of Rs. 1000/- and in default of payment of fine to further undergo RI for two weeks

Sentence were to run concurrently.

2. Aggrieved against the judgment of conviction and order of sentence, the petitioner preferred an appeal and vide impugned judgment dated 02.07.2018 passed by the learned Additional Sessions Judge, Tarn Taran, the same was dismissed. Hence, the present revision petition.

3. Notice of motion as regards quantum of sentence was issued in this petition and today learned counsel for the petitioner submits that the petitioner faced agony of trial for about three years besides undergoing sentence of six months and prayed for reduction in the quantum of sentence. He further submits that the petitioner is a poor person and is the only bread winner of the family.

4. Custody certificate dated 03.12.2018 prepared by Sh. Balwinder Singh, Deputy Superintendent, Central Jail, Amritsar, has been filed in the Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of six months and ten days including remission and that there is no other criminal case pending/decided against him.

5. A perusal of the record shows that the petitioner has already undergone protracted trial for more than three years after presentation of challan before the trial Magistrate. His appeal was dismissed on 02.07.2018 and since then he has undergone actual sentence including remission of six months and ten 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 as no criminal case is pending/decided against the petitioner.

6. Keeping in view that one of the objectives of the criminal jurisprudence is to reform a convict and the above facts and circumstances of the case, I feel that the petitioner has been adequately punished and is entitled to the reduction of sentence.

7. 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 impugned judgment of conviction dated 10.04.2015 passed by the Chief Judicial Magistrate, Jalandhar and as upheld by Additional Sessions Judge, Jalandhar vide impugned judgment dated 02.07.2018, is maintained. So far as order of sentence is concerned,

the sentence of the petitioner is reduced and he is sentenced to the period already

undergone by him.

8. 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.

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

December 03, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No