

CRR No.428 of 2018 (O&M)

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

Sr. No.239

Criminal Revision No.428 of 2018 (O&M)
DECIDED ON: December 20, 2018

LAALI

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurmeet Singh, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

SUDHIR MITTAL, J. (ORAL)

CRM No.3832 of 2018

This is an application for condoning the delay of 48 days in
filing the present revision petition.

Notice of motion.

Mr. K.S. Sidhu, DAG, Punjab accepts the notice on behalf of
State of Punjab. He has no objection in case the application is allowed.

Thus, present application is allowed and delay of 48 days in
filing the present revision petition is condoned.

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FIR No.27, dated 16.03.2014, under Sections 323, 325, 341
IPC was registered at Police Station Mahilpur, District Hoshiarpur, against

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the petitioner. On presentation of challan, the petitioner was convicted under Sections 323, 341, 325 IPC vide impugned judgment dated 24.05.2016 and sentenced as under:-

U/s	RI	Fine (₹)	In default
323 IPC	-----	200/-	07 days (S.I.)
341 IPC	----	200/-	07 days (S.I.)
325 IPC	02 years	1000/-	15 days (S.I.)

2. Aggrieved against the judgment of conviction and order of sentence dated 24.05.2016, the petitioner preferred an appeal and vide impugned judgment dated 15.09.2017, the same was dismissed by the learned Additional Sessions Judge, Hoshiarpur. Hence, the instant revision petition before this Court.

3. Notice of motion was issued in the case as the learned counsel for the petitioner restricted his prayer for reduction of sentence of the petitioner.

4. Custody certificate dated 19.12.2018 prepared by Sh. Baljit Singh, PPS, Deputy Superintendent, Central Jail, Hoshiarpur has been filed by learned State counsel in Court. The same is taken on record. As per custody certificate, the petitioner has undergone total sentence including remission of 01 year, 06 months & 06 days.

5. Learned counsel for the petitioner submits that the petitioner is the sole bread winner of his family and that no criminal case is pending or decided against him, that lenient view in the matter of reduction of his sentence may be taken.

6. A perusal of the record shows that after presentation of challan, the petitioner faced travails of trial for about 03 years and since the dismissal of his appeal on 15.09.2017, he is undergoing his sentence and

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that no other criminal case is pending or decided against him as is apparent from aforementioned custody certificate.

7. Keeping in view the fact that one of the objectives of the criminal jurisprudence, is to reform a convict, the period of custody already undergone by the petitioner and the facts and circumstances of the case, the impugned judgment of conviction dated 24.05.2016 passed by learned Judicial Magistrate 1st Class, Garhshankar and as upheld by learned Additional Sessions Judge, Hoshiarpur, vide impugned judgment dated 15.09.2017, 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.

December 20, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No