

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

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CRR-653-2019 (O&M)

DATE OF DECISION: 03.07.2019

SACHIN

... Petitioner(s)

Versus

U.T. CHANDIGARH

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Perdhuman Yadav, Advocate for the petitioner(s).

Mr. Yashwant Singh Rathoud, APP, U.T., Chandigarh.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgment of the trial Court whereby he has been convicted under Section 392 IPC read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of three years along with fine of Rs.1000/- as well as the judgment dated 07.12.2018 passed by the Additional Sessions Judge, Chandigarh whereby the sentence of the petitioner was reduced from three years to two years.

Learned counsel for the petitioner contends that he is not challenging the conviction and would confine his prayer to the quantum of sentence which may be reduced to the period already undergone by him. He submits that the petitioner was 19 years of age at the time of the occurrence on 24.12.2017 and, therefore, at present, he is about 20-21 years of age. He belongs to the lowest strata of the society and is dependent on his mother who helps in tailoring work to make both ends meet and does not have any stable source of income. He also states that the petitioner was falsely implicated by the police in two other cases of theft wherein he has been granted bail. The allegations in the

instant case are that the petitioner along with other two accused had asked for Rs.10 from the complainant and on his refusal, they had taken away his mobile phone, purse containing Rs.140 and other documents including ATM cards. However, there is no allegation that they had withdrawn any money from the ATM while using ATM cards of the complainant. Although the petitioner along with other accused is stated to be apprehended at the Naka set up by the police at a busy locality and mobile phone is alleged to have been recovered from him but no independent witness was examined in support of the recovery.

Learned State counsel has filed the custody certificate which indicates that the petitioner has undergone total sentence of 1 year, 8 months and 18 days out of the total sentence of 2 years. He further states that the petitioner is involved in two other cases, although he has been granted bail in those cases.

Heard.

The petitioner is around 20-21 years old and it is, thus, possible to reform him. He has undergone total sentence of imprisonment of 1 year, 8 months and 18 days out of the sentence of 2 years. He is stated to be a poor person and is dependent on his mother who does not have any stable source of income. It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

Consequently, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him. The petitioner be released from custody if not required in any other case.

With this modification, the petition stands disposed of.

03.07.2019

(ANUPINDER SINGH GREWAL)
JUDGE

SwarnjitS