

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

**CRR No.381 of 2019 (O&M).
Date of Decision: 22.08.2019.**

Pawan Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Kuldeep Sheoran, Advocate for the petitioner.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

Shekher Dhawan, J.

Present revision petition is directed against the judgment dated 06.12.2018 passed by learned Sessions Judge, Hisar, whereby the appeal preferred by the present petitioner against the judgment of conviction dated 13.01.2016 and order of sentence dated 14.01.2016 passed by learned Sub Divisional Judicial Magistrate, Hansi, was dismissed.

2. The petitioner was held guilty and was convicted for commission of offence punishable under Section 174-A of the Indian Penal Code (for short, 'IPC') in case F.I.R. No.157 dated 21.02.2015 registered at Police Station City, Hansi and was sentenced to undergo simple imprisonment for a period of one year with fine of Rs.500/-. In default of payment of fine the petitioner was to further undergo simple imprisonment for seven days.

3. Facts relevant for the purpose of decision of the present revision petition; on 27.12.2015, upon receipt of copy of order dated 28.02.2014 passed by learned Judicial Magistrate 1st Class, Hansi, declaring the petitioner as a proclaimed person in case FIR No.469 dated 14.09.2009, under Sections 379 IPC, Police Station City, Hansi, the present case was registered and the petitioner/ accused was arrested. On the basis of the statement of the complainant, the present F.I.R. was registered.

4. After completion of investigation proceedings, challan was presented before the trial Court.

5. During trial, learned trial Court completed various proceedings of trial including framing of charge, recording statements of prosecution witnesses and examination of the accused (petitioner herein) under Section 313 Cr.P.C. After considering the material and evidence available on record, learned trial Court held the petitioner guilty for commission of offence under Section 174-A IPC and convicted him in the manner narrated above, vide judgment and conviction dated 13.01.2016 and order of sentence dated 14.01.2016.

6. The appeal preferred by the present petitioner against the said judgment of conviction and order of sentence was dismissed by learned first appellate Court vide judgment dated 06.12.2018.

7. At the very outset, learned counsel for the petitioner contended that he does not challenge the judgment of conviction and a lenient view on the point of sentence be taken as the petitioner has already undergone substantial period of sentence in this case.

8. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present

revision petition be dismissed.

9. Having considered the submissions made by learned counsel for the parties and appraisal of record, this Court is of the considered view that both the Courts below have already appreciated the evidence in its perspective manner. As such, the present revision petition, qua judgment of conviction passed by the Court below, stands dismissed.

10. As regard to order of sentence, this Court has certainly considered that a lenient view is to be taken in this case. The petitioner has already undergone substantial period of sentence in this case, taking a lenient view on the point of sentence, the order of sentence is modified that the sentence of petitioner, Pawan Kumar in this case shall be reduced to the period he has already undergone while remaining in custody in this case. The petitioner be released from custody in this case, if not required in any other case.

11. Resultantly, the present revision petition stands disposed of in the above terms.

(SHEKHER DHAWAN)
JUDGE

22.08.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No