

In the High Court of Punjab and Haryana at Chandigarh

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CRR-917-2019 (O & M)
Date of Decision: 08.05.2019

HARI CHAND AND ANR.

....PETITIONERS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Naveen Malik, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the judgments of the Courts below whereby they have been convicted for the commission of offence punishable under Section 411 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of six months.

Learned counsel for the petitioners contends that the judgments of the Courts below are erroneous as from the evidence brought on record it could not be proved that the articles recovered from the petitioners which include iron grills and motorcycle were stolen property. She, however, contends that she is not challenging the conviction of the petitioners and would confine her prayer to the quantum of sentence only. She also contends that the petitioners are in their early twenties and are not involved in any other case and the sentence awarded to the petitioners deserves to be reduced.

Learned State counsel has filed custody certificates of the petitioners, which indicate that the petitioners have undergone actual sentence of 01 month and 25 days as on 11.04.2019 and, therefore, by now they would have undergone actual sentence of 3 months and 17 days. They have thus undergone more than half of the sentence out of the total sentence of six months. They have been awarded the maximum sentence under Section 411 IPC.

In view of the fact that the petitioners are first offenders, they are in their early twenties and have already undergone half of the maximum sentence which has been awarded to them, it would be in the interest of justice that the sentence is reduced to the period already undergone by them.

Therefore, while maintaining the conviction, the sentence of the petitioners is reduced to the period already undergone by them.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

May 08, 2019

A.Kaundal

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No