

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

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**CRR-837-2019 (O&M)
DATE OF DECISION: 10.05.2019**

RISHIPAL AND ANOTHER

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Naresh Kaushik, Advocate for the petitioner(s)

Mr. Satish Saini, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have challenged the judgment of the appellate Court whereby they were convicted under Section 411 IPC and sentenced to undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.500/-.

Learned counsel for the petitioners contends that allegations against the petitioners in the FIR are that a stolen motorcycle was recovered from the Nallah and the petitioners were alleged to have stolen the motorcycle. However, in the trial, the petitioners were convicted under Section 379 IPC. Thereafter, the petitioners had challenged the same by preferring an appeal before the lower appellate Court in which the findings of the trial Court were modified and the petitioners were convicted under Section 411 IPC instead under Section 379 IPC. He also contends that the petitioners are in their early twenties and petitioner No.1/Rishipal has undergone an actual sentence of over 04 months out of total sentence of 1 year while petitioner No.2/Pardeep @ Mircha has undergone an actual sentence of over 07 months out of total sentence of 1 year. He further contends that he is not challenging the conviction of the petitioners and would confine his arguments to reduction of the sentence already undergone by them.

Heard.

Learned State counsel has filed the custody certificates which indicate that petitioner No.1/Rishipal has undergone total sentence of 04 months including remission, while petitioner No.2/Pardeep @ Mircha has undergone total sentence of 07 months and 12 days including remission out of total sentence of 1 year.

The petitioners were acquitted by the lower appellate Court under Section 379 IPC and convicted under Section 411 IPC. Stolen motorcycle is alleged to have been recovered from them. Petitioner No.1/Rishipal has undergone total sentence of 04 months, while petitioner No.2/Pardeep @ Mircha has undergone total sentence of 07 months and 12 days out of total sentence of 1 year. They have faced protracted criminal proceedings. I am of the view that it would be just and equitable if the sentences of the petitioners are reduced to the period already undergone by them.

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

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

10.05.2019.
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No