

In the High Court of Punjab and Haryana at Chandigarh

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CRR-2211-2008 (O & M)

Date of Decision: September 05, 2019

SHYOKEN @ SHEOKIN

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Anurag Jain, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgments of the Courts below whereby he has been convicted under Section 406 IPC and sentenced to undergo imprisonment for a period of one year.

Learned counsel for the petitioner contends that the allegations against the petitioner are that on 16.03.2001, when the petitioner was taking matriculation examination for Mathematics paper, he instead of depositing his answer sheet with the teacher, who was supervising the examination had fled away from the spot along with the answer-sheet. He also contends that he is not challenging the conviction of the petitioner and would confine his prayer in this petition to reduction in the quantum of sentence to the period already undergone. He further contends that there is no corroboration of the statement of the teacher, who was examined as PW-1. The investigating officer was also not examined and two other witnesses had also turned hostile. The petitioner has been facing the agony of protracted criminal proceedings for over 18 years and after his release on bail on 18.11.2008, he is not involved in any untoward

incident or any offence. The petitioner is working as a driver and is the sole breadwinner of his family, which comprises his wife and four children. The petitioner has undergone total sentence of more than two months.

Learned State counsel has filed custody certificate of the petitioner, which indicates that the petitioner has undergone sentence of 2 months and 19 days out of the total sentence of one year.

Heard.

The petitioner had been convicted under Section 406 IPC and sentenced to undergo imprisonment for a period of one year by the trial Court. The allegations against the petitioner are that he has taken away the answer-sheet. There is no allegation that the petitioner had tried to cheat or help anyone else in the examination. He is not involved in any other case. The petitioner is facing the agony of protracted criminal proceedings for over 18 years. He is stated to be professional driver and sole breadwinner of his family. Except, PW-1, other prosecution witnesses have not supported the prosecution case. The petitioner has undergone sentence of 2 months and 19 days.

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.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

September 05, 2019

A.Kaundal

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