

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

203

CRR-2331-2008 (O&M)

DATE OF DECISION: 28.11.2019

RAJESH @ RAJU

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Sharmila Sharma, Advocate
for the petitioner(s).
Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments and orders of the trial Court and the Appellate Court, whereby he has been convicted under Section 3 of the Railway Property (Unlawful Possession) Act, 1966 (hereinafter referred to as 'the Act') and sentenced to undergo rigorous imprisonment for 1 year.

Learned counsel for the petitioner contends that she is not challenging the conviction of the petitioner and would confine her prayer to reduction in the sentence to the period already undergone by him. The allegations against the petitioner who runs a shop of scrap are that 30 railway track keys and 20 pandrole clips were recovered from a plastic bag under the scrap and the petitioner could not produce any authentic document for possession of the same. The petitioner is a first offender. The incident took place on 26.09.1998. He has been facing criminal proceedings since then. The petitioner is over 60 years of age.

Learned State counsel has filed the custody certificate which indicates that the petitioner has undergone an actual sentence of 3 months and 23 days out of the total sentence of 1 year.

Heard.

The petitioner is stated to be a first offender. He is facing criminal proceedings for over 2 decades. He is over 60 year of age and has undergone sentence of almost 4 months out of total sentence of 1 year. The ends of justice would be met in the event of his sentence being reduced to the period already undergone by him.

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

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

28.112019.
SwarnjitS

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