

In the High Court of Punjab and Haryana at Chandigarh

294

**CRR-1243-2019(O & M)
Date of Decision: 30.05.2019**

SUNIL KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Akshay Sandhir, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgments and orders of the Courts below whereby he has been convicted under Sections 457 and 380 of the Indian Penal Code, 1860 ('IPC' - for short) and has been sentenced to undergo rigorous imprisonment for a period of one year and pay a fine of ₹1,000/- for the offence under Section 457 IPC; besides, undergo rigorous imprisonment for a period of one year and pay a fine of ₹1,000/- for the offence under Section 380 IPC. Both the sentences have been ordered to run concurrently.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he had stolen a buffalo and a calf, which were recovered from him. He also contends that he does not challenge the conviction of the petitioner and would pray for grant of benefit of probation to the petitioner or in the alternative confine his prayer to the reduction of quantum of

sentence to the period already undergone. He further contends that the petitioner has already undergone actual sentence of imprisonment of 03 months and 17 days out of the total sentence of one year. The petitioner is not involved in any other case and is facing criminal proceedings since 2013.

Learned State counsel has filed custody certificate which indicates that the petitioner has undergone sentence of imprisonment of 3 months and 17 days out of the total sentence of one year.

In view of the allegations against the petitioner, he being a first offender, having faced criminal proceedings for over five years and is in custody for 3 months and 17 days out of the total sentence of one year, it would be in the interest of justice that the sentence is reduced to the period already undergone by him.

Therefore, 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

May 30, 2019

A.Kaundal

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