

In the High Court of Punjab and Haryana at Chandigarh

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CRR-1371-2019 (O & M)

Date of Decision: November 05, 2019

PARDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Naresh Kaushik, Advocate for the petitioner.

Mr. Kapil Aggarwal, Addl. AG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgment of the appellate Court whereby he was 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 petitioner contends that allegations against the petitioner in the FIR are that a stolen motorcycle was recovered from the Nallah and the petitioner was alleged to have stolen the motorcycle. However, in the trial, the petitioner was convicted under Section 379 IPC. Thereafter, the petitioner 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 petitioner was convicted under Section 411 IPC instead under Section 379 IPC. He also contends that the petitioner is in his early twenties and has undergone sentence of about 08 months out of total sentence of 1 year. He further contends that he is not challenging the conviction of the petitioner and would confine his arguments to reduction in the sentence already undergone by him.

Heard.

Learned State counsel has filed the custody certificate which indicates that petitioner has undergone total sentence of 07 months and 27 days including remission out of total sentence of 1 year.

The petitioner was 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 him. Petitioner has undergone sentence of about 08 months out of total sentence of 1 year. He is in his early twenties. I am of the view that it would be just and equitable if the sentence of the petitioner 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

November 05, 2019

A.Kaundal

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