

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

CRR 1323 of 2018 (O&M)

Date of Decision:-8.5.2019

Vipin Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Ahluwalia, Advocate for
Mr. A.G.S. Dhillon, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court challenging judgment dated 22.1.2018 passed by learned Additional Sessions Judge, Patiala whereby an appeal filed by the petitioner challenging his conviction vide judgment dated 4.8.2015 passed by JMIC, Patiala for offence under section 382 IPC has been dismissed.

The case of prosecution in nutshell is that on 18.6.2012 when the complainant Nandini Chadda stepped out of her house to take a walk after dinner, then two boys came on a motorcycle and the pillion rider while placing a sharp-edged weapon on the neck of the complainant snatched gold chain worn by complainant. It is further the case of prosecution that the pillion rider after snatching the chain addressed the driver of the motorcycle as Vipin and asked him to flee away from the place of occurrence. It is further the case of prosecution that subsequently the investigating Officer

received information that two persons namely Laddi Singh and Vipin who had been arrested in some other case made a disclosure statement regarding they having snatched a gold chain.

Pursuant to receipt of the aforesaid information, the complainant was asked to identify the gold chain recovered at the instance of the accused and the complainant identified the said chain to be belonging to her.

Upon conclusion of investigation, challan was presented and charges were framed against the accused. The accused pleaded not guilty and claimed trial.

The prosecution, in order to prove its case, examined PW-1 Nandini Chadda, PW-2 Mohit Mehra, PW-3 SI Gurnam Singh, PW-4 ASI Inderpal Singh, PW-5 MHC Jit Singh and PW-6 Devinder Pal Singh.

Co-accused Laddi Singh was declared proclaimed offender during proceedings of trial.

The trial Court upon considering the evidence led by the prosecution held that the charges framed against the accused were duly substantiated and consequently convicted and sentenced the petitioner to undergo rigorous imprisonment for two years under Section 382 IPC and imposed fine of ₹ 1,000/-. The appeal filed by the petitioner was dismissed by the Court of Additional Sessions Judge, Patiala vide judgement dated 22.1.2018 which has been assailed by the petitioner by way of filing present revision petition.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that infact he was never

arrested at the spot and no test identification was ever conducted and in these circumstances, he cannot be connected with the occurrence in any manner.

I have considered the aforesaid submission. I find that apart from the disclosure statement made by the accused, it is the recovery of gold chain which clearly connects the petitioner with the occurrence in question. Further, the complainant has also identified the petitioner to be the accused. In these circumstances, the identity of the accused can hardly be questioned. The trial Court has marshalled the evidence minutely and this Court does not find any misreading of the evidence so as to warrant any interference with the findings of conviction as recorded by the trial Court and upheld by the Court of learned Additional Sessions Judge, Patiala. The findings of conviction, as such, are affirmed.

However, I do find that there is some room for reduction in sentence more particularly keeping in view the fact that the petitioner is a young man aged 28 years and is not stated to be a previous convict.

As per custody certificate, the petitioner is stated to have undergone actual imprisonment for 1 year and 5 months and has also earned remissions to the extent of 4 months. In other words, as on date, he has undergone 1 year and 9 months out of the imposed sentence of 2 years.

Having regard to the aforesaid custody certificate and also while bearing in mind that the petitioner is not stated to be a previous convict, in my opinion, a case is made out for reduction of sentence. Accordingly, the substantive sentence of imprisonment as imposed upon the petitioner is

reduced from two years to the one already undergone. The fine shall, however, remain unaltered.

The revision petition is dismissed except for the above said modification in sentence.

8.5.2019

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No