

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.222

Criminal Revision No.1356 of 2018
DECIDED ON: January 25, 2019

SUBHASH SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Jasjeet Singh, Dhaliwal, Advocate for
Mr. H.S. Brar, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

FIR No.138, dated 10.11.2012, under Sections 279, 337, 304-A, 427 IPC, came to be registered at Police Station Nurpur Bedi, District Rupnagar, Punjab, against the petitioner-Subhash Singh. After completion of investigation, challan was presented and on completion of trial, the Sub-Divisional Judicial Magistrate, Sri Anandpur Sahib, District Rupnagar, Punjab, vide impugned judgment dated 25.10.2017, convicted the petitioner under Sections 279, 304-A and 337 IPC and sentenced him as under:

U/s	RI	Fine (₹)	In default
279 IPC	06 months	--	--
304-A IPC	02 years	5000/-	30 days (S.I.)
337 IPC	06 months	--	--

2. Aggrieved against the impugned judgment of conviction and order of sentence dated 25.10.2017, the petitioner preferred an appeal and

CRR No.1356 of 2018

the same was dismissed by learned Additional Sessions Judge, Rupnagar vide impugned judgment dated 06.02.2018 and he was ordered to be taken into custody to undergo the sentence awarded by the trial Magistrate. Hence, the instant revision petition before this Court.

3. Notice of motion was issued inasmuch as learned counsel for the petitioner did not press the petition on merits and only prayed that the quantum of sentence of the petitioner may be reduced.

4. Custody certificate dated 25.01.2019, prepared by Sh. Baljeet Singh, Superintendent, District Jail, Rupnagar has been filed by learned State counsel today in Court, which is taken on record. According to the custody certificate, the petitioner has undergone actual sentence of 01 year and 15 days including remission and that there is no other criminal case pending or decided against him. The FIR was registered on 10.11.2012 and sentence of the petitioner is of 25.10.2017. His appeal was dismissed on 06.02.2018 and since then he has been undergoing his sentence. Thus, the petitioner has faced travails of trials for about 05 years besides undergoing sentence of 01 year and 15 days.

5. Thus, keeping in view the fact that one of the objectives of the criminal jurisprudence, is to reform a convict and the facts and circumstances of the case, I feel that petitioner has been adequately punished.

6. Accordingly, in view of the above and the judgment of the Hon'ble Supreme Court in ***Uthem Rajanna vs. State of U.P., 2005 (11) SCC 531***, the impugned judgment of conviction and order of sentence dated 25.10.2017, passed by learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, District Rupnagar and as upheld by learned Additional

CRR No.1356 of 2018

Sessions Judge, Rupnagar, vide impugned judgment dated 06.02.2018, is maintained. So far as the order of sentence is concerned, the same is modified and petitioner-Subhash Singh is sentenced to the period already undergone by him. He is ordered to be set at liberty, in case he is not required in any other case.

7. With the above modification in the impugned order of sentence, the instant revision is dismissed.

8. A copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned, for compliance.

January 25, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No