

CRR No.2605 of 2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.237

Criminal Revision No.2605 of 2018 (O&M)
DECIDED ON: January 30, 2019

BALINDER SINGH AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mohit Sadana, Advocate, for the petitioners.
Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

FIR No.73, dated 12.10.2011, under Sections 186, 353, 332, 342, 148, 149 IPC, was registered at Police Station Khanauri, Moonak against the petitioners and their co-accused. On presentation of challan and completion of trial, the petitioners were convicted under Sections 353 and 342 IPC and were sentenced as under:-

U/s	RI	Fine (₹)	In default
353 IPC	01 year each	--	--
342 IPC	06 months each	--	--

2. Sentences were to run concurrently.
3. Feeling aggrieved against the impugned judgment of conviction and order of sentence dated 23.01.2017, the petitioners preferred an appeal and vide judgment dated 21.07.2018, the same was dismissed by learned Additional Sessions Judge, Sangrur and they were ordered to be taken into

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custody to undergo the sentence awarded by the trial Magistrate. Hence, the instant revision petition before this Court.

4. Notice of motion was issued inasmuch as learned counsel for the petitioners did not contest the revision on merits and submitted that the petitioners are not habitual offenders and prayed for reduction of their sentence.

5. Today, learned counsel for the petitioners submits that the petitioners have already undergone sentence of 08 months and keeping in view their past conduct and the facts and circumstances of the case, lenient view may be taken and their sentence may be reduced to the period already undergone by them.

6. Learned State counsel does not dispute the submission of counsel for the petitioners and placed on record the custody certificates of the petitioners prepared by Sh. Harpreet Singh, PPS, Deputy Superintendent, District Jail, Sangrur, which are taken on record. The same reveal that the petitioner-Sonu has undergone total sentence of 07 months and 28 days including remission; petitioner-Balbir Singh @ Beera has undergone total sentence of 08 months and 16 days including remission and petitioner-Balinder Singh has undergone total sentence of 08 months and 03 days including remission and that no other criminal case is pending or decided against them. FIR against the petitioners was registered on 12.10.2011 and conviction and sentence of the petitioners is of 23.01.2017. Their appeal was dismissed on 21.07.2018 and since then they are undergoing their sentence. Thus, the petitioners have faced travails of trial for more than 05 years, besides undergoing the sentence *ibid*.

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7. Having heard learned counsel for the petitioners and keeping in view of the facts and circumstances of the case as also the fact that one of the objectives of the criminal jurisprudence, is to reform a convict, I am of the considered view that the petitioners have adequately been punished.

8. Accordingly, the impugned judgment of conviction and order of sentence dated 23.01.2017, passed by learned Sub Divisional Judicial Magistrate, Moonak and as upheld by learned Additional Sessions Judge, Sangrur, vide impugned judgment dated 21.07.2018, is maintained. So far as the order of sentence is concerned, sentence of the petitioners is reduced. They are ordered to be set at liberty, in case they are not required in any other case.

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

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

January 30, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No