

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

240

**CRR No.2607 of 2018 (O&M).
Date of Decision: 09.04.2019.**

Charanjit Singh alias Sonu

....Petitioner.

Versus

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Dharam Bir Bhargav, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana
for respondent No.1.

Mr. Madan Sandhu, Advocate, for respondent No.2.

Shekher Dhawan, J.

Present revision petition is directed against the judgment dated 13.07.2018 passed by learned Additional Sessions Judge, Karnal, whereby the appeal preferred by the present petitioner against the judgment of conviction dated 03.09.2016 and order of sentence dated 08.09.2016 passed by learned Judicial Magistrate Ist Class, Karnal, was dismissed.

2. The petitioner was convicted for commission of offence under Section 411 of the Indian Penal Code (for short, 'IPC') and was sentenced to undergo rigorous imprisonment for a period of three years and fine of Rs.10,000/- and in default of payment of fine, to further undergo rigorous simple imprisonment for a period of two months, in case F.I.R. No.81 dated 01.02.2014 registered under Section 379/411

3. Facts relevant for the purpose of decision of the present revision petition; on 01.02.2014 an application was received in the police station wherein it was alleged that on 31.01.2014, complainant Panjab Singh parked his motorcycle bearing registration No.HR-05AB-6772 in front of District Court, Karnal and when he returned back, he found his motorcycle stolen. On the basis of the said application, the present F.I.R. was registered.

4. After completion of investigation proceedings, challan was presented before the trial Court.

5. During trial, learned trial Court completed various proceedings of trial including framing of charge, recording statements of prosecution witnesses and examination of the accused (petitioner herein) under Section 313 Cr.P.C. After considering the material and evidence available on record, learned trial Court held the petitioner guilty for commission of offence under Section 411 IPC and convicted him in the manner narrated above, vide judgment and conviction dated 03.09.2016 and order of sentence dated 08.09.2016.

6. The appeal preferred by the present petitioner against the said judgment of conviction and order of sentence was dismissed by learned first appellate Court vide judgment dated 13.07.2018.

7. At the time of issuing notice of motion, vide order dated 27.08.2018, it was contended by learned counsel for the petitioner that he does not press the revision on merits. Today also, at the very outset, learned counsel for the petitioner contended that he does not challenge the judgment of conviction and a lenient view on the point of sentence be taken as the petitioner has already undergone actual sentence of 10

month and 24 days (including remissions) against the awarded sentence of 03 years as per the custody certificate dated 08.04.2019.

8. Learned State counsel contended that the petitioner does not deserve any concession and the present revision petition be dismissed.

9. Having considered the submissions made by learned counsel for the parties and appraisal of record, this Court is of the considered view that both the Courts below have already appreciated the evidence in its perspective manner. As such, the present revision petition, qua judgment of conviction passed by the Court below, stands dismissed.

10. As regard to order of sentence, this Court has certainly considered that a lenient view is to be taken in this case. The petitioner has already undergone actual sentence of 10 months and 24 days (including remissions) against the awarded sentence of 03 years as per the custody certificate dated 08.04.2019, taking a lenient view on the point of sentence, the order of sentence is modified that the sentence of petitioner, Charanjit Singh alias Sonu in this case shall be reduced to the period he has already spent while remaining in custody during the period of trial and appeal proceedings. The petitioner be released from custody in this case, if not required in any other case.

11. Resultantly, the present revision petition stands disposed of in the above terms.

(SHEKHER DHAWAN)
JUDGE

09.04.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No