

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3449-2018 (O&M)
Date of decision : 20.12.2019

Harbans Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S. Gill, Advocate for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Petitioner-convict is in revision petition against the judgment of conviction passed by the Judicial Magistrate Ist Class, Kapurthala in a criminal case arising from FIR No.39 dated 27.04.2010 registered under Sections 279/304-A of the Indian Penal Code at Police Station Subhanpur Kapurthala, and sentenced to undergo rigorous imprisonment, which is as under:-

<u>Convict</u>	<u>Offence</u>	<u>Sentence</u>
Harbans Singh	Under Section 279 IPC	To undergo RI for a period of six months and to pay a fine of Rs.500/- and in default to pay fine, to undergo further imprisonment for five days.
	Under Section 304-A IPC.	To undergo RI for a period of two years and to pay a fine of Rs.1500/- and in default to pay fine, to undergo further imprisonment for one month.

Both the sentences were ordered to run concurrently. An appeal filed by the petitioner against the aforesaid judgment was dismissed by the Additional Sessions Judge, Kapurthala vide judgment dated 06.09.2018.

Learned counsel for the State has produced affidavit of custody, according to which the petitioner has already undergone total sentence of 1 year 8 months and 6 days as on 17.12.2019.

As per custody certificate, the petitioner is not involved in any other case.

Thus, the petitioner has already undergone substantive part of the sentence. He is a first time offender.

Keeping in view the facts of the case, this Court is of the considered view that the petitioner has already undergone substantial part of the sentence which is appropriate. Hence, the present revision petition is disposed of by reducing the sentence to the period already undergone.

The petitioner be released, if not required in any other case.

20.12.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No