

**In the High Court for the State of Punjab and Haryana
At Chandigarh**

CRR-451-2018 (O&M)
Date of Decision:-9.1.2019

Santokh Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Parminder Kaur, Advocate for
Mr. Sumit S. Bairagi, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. By way of filing the revision petition, the petitioner assails judgment dated 11.1.2018 passed by learned Additional Sessions Judge, Kurukshetra, whereby the conviction of the petitioner for offence under Section 10 of the Haryana Development and Regulation Urban Areas Act, 1975 as recorded by learned Judicial Magistrate 1st Class, Kurukshetra, has been upheld.
2. I have heard the learned counsel for the petitioner as well as the learned counsel representing the State.
3. The allegations in nutshell, as levelled against the petitioner, are that he is owner of land bearing Khewat No.567, 737, 234, mutation No.10533, Khasra No.74//24/1, 84//4 situated at Village Dera Kalan, Tehsil Thanesar, District Kurukshetra, the total area of which is more than 1000 Sq.Meters and had sub-divided the land in plots for residential/industrial/commercial purposes without obtaining any license from the Director, Town and Country

Planning, Haryana as required under Section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975. The prosecution, in order to establish its case, led oral as well as documentary evidence. The 'Jamabandi' for the year 2001-2002 Ex.P-22 and mutation in respect of the same i.e. Ex.P-23 have been duly proved by PW-2 Kuldeep Singh, Patwari indicating that the petitioner is owner of land measuring 13 Kanals and 12 Marlas situated in Village Darra Kalan, Tehsil Thanesar, District Kurukshetra. The prosecution also proved on record the urban area site-plan of Kurukshetra indicating that the land in question falls in 'urban area'. The prosecution also led evidence to establish that various sale-deeds i.e. Ex.P-2 to Ex.P-21 had been executed indicating sale of land by the petitioner.

4. Having heard the learned counsel for the petitioner and having perused the impugned judgment, I do not find any infirmity in the same and consequently the conviction as recorded by the learned Judicial Magistrate 1st Class, Kurukshetra and as affirmed by learned Additional Sessions Judge, Kurukshetra is upheld. However, I do find that there is some room for reduction in sentence of imprisonment especially keeping in view the advanced stage of the petitioner, who is stated to be aged more than 75 years.
5. As per custody certificate filed by learned State counsel today in Court, the petitioner has already undergone 1 year and 28 days including remission of 1 month, out of the total imposed sentence of 2 years. The petitioner is not stated to be a previous convict.
6. Having regard to the aforestated facts and circumstances, the substantive sentence of imprisonment as imposed upon the petitioner is reduced from 2

years to the one already undergone. The sentence of fine shall remain unaltered. The petition, as such, is dismissed except for the aforesaid modification in quantum of sentence.

9.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking Yes / No

Whether reportable Yes / No