

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 02.03.2020

1. CRR-168-2020 (O&M)

Tara Chand

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRR-69-2020 (O&M)

Tara Chand

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Grewal, Advocate
for the petitioner (in both cases).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

This order shall dispose of aforementioned two revision petitions
shall be disposed of.

Prayer in CRR-168-2020 is for setting aside the judgment of
conviction and order of sentence dated 09.01.2019 passed in FIR No.164 dated

20.07.2016 under Section 174-A of Indian Penal Code (for short 'IPC'), Police Station City I, Abohar, vide which the petitioner was convicted for offence punishable under Section 174-A IPC and was sentenced to undergo rigorous imprisonment for a period of six months along with a fine of Rs.500/- and in default thereof, he was further ordered to undergo R.I. for a period of one week as well as the judgment dated 16.09.2019 passed by the Sessions Judge, Ferozepur, vide which the appeal filed by the petitioner, against the aforesaid judgment of conviction and order of sentence passed by the trial Court, was also dismissed.

Prayer in CRR-69-2020 is for setting aside the judgment of conviction and order of sentence dated 27.07.2017 passed in FIR No.326 dated 26.11.2015 under Section 174-A IPC, Police Station City I, Abohar, vide which the petitioner was convicted for offence punishable under Section 174-A IPC and was sentenced to undergo rigorous imprisonment for a period of three months along with a fine of Rs.500/- and in default thereof, he was further ordered to undergo simple imprisonment for a period of 15 days as well as the judgment dated 16.09.2019 passed by the Sessions Judge, Ferozepur, vide which the appeal filed by the petitioner was also dismissed.

Learned counsel for the petitioner submits that in FIR No.164, out of total sentence of six months rigorous imprisonment awarded by the trial Court, the petitioner has undergone 03 months and 10 days of actual sentence and in FIR No.326, he has undergone 14 days of actual sentence, out of 03 months R.I. Learned counsel further submits that he does not intend to address the arguments on merits and prays that sentence of the petitioner may be

reduced to the period already undergone by him.

Learned counsel for the petitioner, in support of his arguments, has further submitted that the petitioner is a poor person and has his own family to support; he has faced the agony of protracted trial and the trial Court has not granted the benefit of Probation of Offenders Act, therefore, by taking a lenient view, the sentence awarded to the petitioner may be reduced to the period already undergone by him.

Learned counsel for the petitioner has further submitted that since the petitioner has been convicted in two aforesaid FIRs under Section 174-A IPC, sentence awarded in both the cases may be ordered to concurrent.

Ordered accordingly.

Learned State counsel has filed the custody certificates dated 02.03.2020 in the Court today and has not disputed the sentence undergone by the petitioner.

After hearing learned counsel for the parties, I uphold the impugned judgments of conviction passed by the trial Court, as the same are based on appreciation of evidence led on record, however, considering the fact that the petitioner has faced the agony of protracted trial; he has already undergone 03 months of actual sentence in FIR No.164 and 14 days of actual sentence in FIR No.326; he has joined the mainstream of the society and also in view of the fact that he is a poor person and has his own family to support, both these revision petitions are partly allowed and sentence of six months R.I. and three months R.I. awarded by the trial Court, in FIR No.164 and FIR No.326 respectively, is reduced to the period already undergone by the petitioner.

However, the imposition of fine of Rs.1000/- in both the cases, is upheld. The petitioner is directed to deposit the fine, if not deposited so far, within a period of 02 months from today.

The petitioner is directed to be released forthwith, if he is not involved in any other case.

[ARVIND SINGH SANGWAN]
JUDGE

02.03.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No