

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

CRR-403-2019 (O&M)
Date of Decision:-27.2.2020

Arvind Kumar ... Petitioner

Versus

State of Union Territory, Chandigarh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bhavnik Mehta, Advocate for the petitioner.

Ms. Ashima Mor, Addl. P.P., U.T., Chandigarh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging judgment dated 16.1.2019 passed by learned Sessions Judge, Chandigarh whereby an appeal filed by the petitioner against judgment dated 13.9.2016 and order of sentence dated 14.9.2016 passed by learned Chief Judicial Magistrate, Chandigarh has been dismissed and conviction of the petitioner has been upheld.
2. Learned Chief Judicial Magistrate, Chandigarh, while convicting the petitioner for offence under Section 66-C of Information Technology Act, 2002 sentenced the petitioner to undergo the following imprisonment:

Name of Convict	Offence Under Section	Sentence awarded	Fine imposed
Arvind Kumar	66-C of IT Act, 2002	Rigorous imprisonment for two years	₹20,000/- in default RI for three months

3. Notice of motion in this case had already been issued on 20.2.2019.
4. The learned State counsel has today filed custody certificate of the petitioner-Arvind Kumar, which is taken on record. As per custody certificate, the petitioner has undergone 1 year, 6 months and 6 days out of the total imposed sentence of 2 years.
5. I have heard the learned counsel for the petitioner and also the learned State counsel and have also perused the impugned judgments.
6. A perusal of the impugned judgments would show that the Trial Court as well as the lower Appellate Court have duly appreciated the evidence while reaching at a finding as regards guilt of the petitioner. There is no misreading of evidence in respect of any of the findings.
7. The learned counsel for the petitioner could not point out any procedural flaw so as to be able to cause any dent in the impugned judgments. As such, this Court does not find any infirmity in the findings of conviction as recorded by the Trial Court and as affirmed by the Court of learned Sessions Judge, Chandigarh and the same are hereby affirmed.
8. However, keeping in view the fact that the petitioner has undergone a substantial period of imprisonment out of the imposed sentence, this Court is of the opinion that there could be some room for reduction in sentence.
9. The petitioner Arvind Kumar is stated to be aged 33 years and he is not stated to be a previous convict.

10. Consequently, the substantive sentence of imprisonment as imposed upon the petitioner is reduced from 2 years to the one already undergone. The fine shall, however, remain unaltered.
11. The revision petition stands accepted to the limited extent as regards modification of sentence as indicated above.

27.2.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No