

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

**CRR No. 1636 of 2019 (O&M)**

**DATE OF DECISION :- January 17, 2020**

**Rinku Sharma**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CRR No. 3401 of 2019**

**Pawan Kumar alias Pamma**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE H.S. MADAAN**

**Present:-** Mr. Rajinder Sharma, Advocate for the petitioner  
in CRR No. 1636 of 2019.

Mr. V.K. Sandhir, Advocate for the petitioner  
in CRR No. 3401 of 2019.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

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My this order shall dispose of two revision petitions bearing  
CRR No. 1636 of 2019 filed by Rinku Sharma and CRR No. 3401 of 2019  
filed by Pawan Kumar @ Pamma both of them being accused in F.I.R. No.  
147 dated 8.5.2015 under Sections 380/411 IPC registered with Police

Station Civil Lines, Amritsar who had been convicted and sentenced vide a single judgment passed by the trial Magistrate.

Accused Rinku Sharma and Pawan Kumar @ Pamma faced trial by the Court of Judicial Magistrate Ist Class, Amritsar for offences under Sections 380/411 of the Indian Penal Code.

Briefly stated that facts of the case as per prosecution story are that on 8.5.2015 ASI Arun Kumar from Police Station Civil Lines, Amritsar while heading a police party had received a secret information that a person had been apprehended while stealing taps from Civil Hospital, Amritsar. Accordingly, the police party went there and accused Rinku Sharma was found having six handles of taps, plier and screw driver.

Statement of security guard was recorded, in which he stated that on that day at about 4.30 P.M. while he was standing near newly built children ward two persons were seen going to the bathroom. However, they did not come out for a considerable time. He went there and found that both were removing taps. He apprehended Rinku Sharma whereas his co-accused Pawan Kumar @ Pamma had managed to run away. Rinku Sharma was arrested in this case. Usual proceedings were taken up. Formal F.I.R. was registered. During investigation Pawan Kumar @ Pamma was arrested and on completion of investigation both of them have been challaned.

On conclusion of the trial Judicial Magistrate Ist Class, Amritsar vide judgment dated 10.5.2018 convicted both the accused for offence under Section 380 IPC and vide order of the even date sentenced them to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- each and in default of payment of fine to undergo

further rigorous imprisonment for a period of three months.

Feeling aggrieved by the judgment of their conviction and sentence, they had preferred appeals before the Court of Sessions which were assigned to Additional Sessions, Amritsar. However, vide judgment dated 10.5.2019 both the appeals were dismissed.

The accused-convicts have approached this Court by way of filing revision petitions, notice of which was given to the State and learned Deputy Advocate General, Punjab representing State of Punjab is opposing the revision petitions.

I have heard learned counsel for the revisionist and learned State counsel besides going through the record.

As far as conviction of the accused under Section 380 IPC is concerned, I find that prosecution has led enough oral and documentary evidence to prove the said charge, therefore, both the accused were rightly convicted by the trial Magistrate and their conviction was upheld by Additional Sessions Judge, Amritsar. However, with regard to the sentence part, as per the custody certificates filed by the State counsel accused Rinku Sharma is shown to have undergone total sentence of 11 months and 25 days including remission and accused Pawan Kumar @ Pamma is shown to have undergone total sentence of 11 months and 05 days including remission. They are not shown to be involved in any other criminal case.

Petitioner Rinku Sharma is stated to be aged about 35 years and petitioner Pawan Kumar @ Pamma is stated to be aged about 23 years. Considering the facts and circumstances of the case, the period of imprisonment already undergone by the accused convicts in this case and

the fact that they do not have any past criminal record, I find that ends of justice shall be adequately met if accused convicts revisionists are sentenced to imprisonment already undergone by them in this case. Therefore, the impugned judgment is upheld as regards conviction part, however, as far as sentence part is concerned, the same is modified and the petitioners are sentenced to imprisonment already undergone by them in this case as mentioned supra.

As such the revision petitions are accepted partly inasmuch as those are dismissed as far as conviction part but allowed with regard to the sentence part.

Petitioners Rinku Sharma and Pawan Kumar @ Pamma , who are stated to be in custody are ordered to be released forthwith, if not required in any other case.

**(H.S. MADAN)**  
**JUDGE**

**January 17, 2020**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No