

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1748-2019 (O&M)
Date of decision: 24.01.2020

Satnam Singh @ Mintu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Dhanda, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

Prayer in this revision petition is for setting aside the judgment of conviction as well as the order of sentence dated 04.11.2015, vide which the petitioner was convicted for offence punishable under Sections 382 & 506 of the Indian Penal Code (for short 'IPC') and was sentenced to undergo rigorous imprisonment for a period of 01 year along with a fine of Rs.700/- and in default of payment of fine, the petitioner was further ordered to undergo simple imprisonment for a period of one month as well as the judgment dated 27.05.2019 passed by the Additional Sessions Judge, Bathinda, dismissing the appeal filed by the petitioner.

Brief facts of the case are that on 27.05.2012, ASI Jagsir Singh along with other police officials was present near Guru Kashi College, where

Ashok Kumar son of Shiv Ram, resident of near Aggarwal Dharamshala, Talwandi Sabo got recorded his statement that he is an operator of JBC machine and is working at Village Tarkhan Wala. On the said day, at about 3.00 P.M., he purchased two mobiles Nokia 1280 colour black for himself and when he was bringing the said mobiles to his house and had reached in the narrow street situated at the backside of his house, then from the front side, two clean shaven young men namely Harpreet Singh @ Bhinder son of Joginder Singh and Satnam Singh @ Mintu son of Vijay Kumar resident of Talwandi Sabo, who were know to the complainant, came there. Harpreet Singh pulled out a knife and placed the same on the neck of the complainant and Satnam Singh caught hold of him from his arms and Harpreet Singh threatened the complainant that if he will raise voice, they will kill him. Thereafter, they snatched the boxes of mobile phones from his hands and also snatched Rs.500/- from his pocket and fled away from the spot. It was prayed that action be taken against the accused persons. On this statement of the complainant, investigation was conducted and the accused persons were arrested.

After recording statements of the witnesses and completion of the investigation, challan against the accused was presented before the trial Court and thereafter, charge under Sections 382, 506, 411, 34 IPC was framed against the accused, to which he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined HC Gurpreet Singh as PW1 and Ashok Kumar as PW2. No other witness was examined despite availing numerous opportunities and thereafter, the evidence was closed vide order dated 20.10.2015.

After conclusion of the prosecution evidence, statement of accused

was recorded under Section 313 Cr.P.C. and the entire incriminating evidence, which the prosecution produced against him, was put to him to tender explanation for the same. The petitioner-accused denied the allegation of the prosecution and pleaded false implication. In defence, the accused did not produce any evidence.

The trial Court, after hearing learned counsel for the parties and appreciating the evidence on record, vide judgment of conviction and order of sentence of even date i.e. 04.11.2015, convicted and sentenced the petitioner-accused under Sections 382 & 506 IPC.

Learned counsel for the petitioner, at the very outset, submits that since out of total sentence of one year R.I. awarded by the trial Court, the petitioner has already undergone 10 months and 08 days of total sentence including remission, he does not want 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 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 State counsel has filed the custody certificate dated 24.01.2020 in the Court today and has not disputed the fact that the petitioner has undergone total sentence of 10 months and 08 days of total sentence including remission, out of one year R.I. awarded by the trial Court.

After hearing learned counsel for the parties, I uphold the judgment of conviction passed by the trial Court, as the same is based on appreciation of prosecution evidence, however, considering the fact that the petitioner has faced the agony of protracted trial; he has already undergone 10 months and 08 days of total sentence including remission; he has improved his character and 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, the present revision petition is partly allowed and sentence awarded to the petitioner is reduced to the period already undergone by him. However, the imposition of fine of Rs.700/- is upheld. The petitioner is directed to deposit the fine, if not deposited so far, within a period of 02 months from today.

Since the petitioner is in judicial custody, he be released forthwith, if not involved in any other case.

[ARVIND SINGH SANGWAN]
JUDGE

24.01.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No