

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

CRR-2898-2019 (O&M)
Date of Decision:- 5.3.2020

Joginder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. M.N.Jajoria, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Baldev Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this court challenging judgment dated 3.10.2019, passed by learned Sessions Judge, Barnala, whereby an appeal filed by the petitioner against judgment dated 18.4.2019 passed by learned Addl. Chief Judicial Magistrate, Barnala, has been dismissed and conviction of the petitioner for offences punishable under Sections 279 and 338 IPC has been upheld.
2. Learned Addl. Chief Judicial Magistrate, Barnala while convicting the petitioner for offences under Sections 279 and 338 IPC, sentenced the petitioner to undergo the following imprisonment:

Offence under Section	Sentence awarded	Fine imposed
279 IPC	Rigorous imprisonment for 6 months	₹1000/- in default of payment of fine simple imprisonment

		for 10 days
338 IPC	Rigorous imprisonment for 1 year	₹1000/- in default of payment of fine simple imprisonment for 10 days

3. Notice of motion in this case had already been issued on 28.11.2019.
4. The learned State counsel has today filed custody certificate of the petitioner-Joginder Singh, which is taken on record. As per custody certificate, the petitioner has undergone 6 months and 21 days out of the total imposed sentence of 1 year.
5. Learned counsel for the petitioner has submitted that the petitioner is a young man aged about 40 years and prayed that a lenient view may be taken in the sentence.
6. I have heard the learned counsel for the petitioner and also the learned State counsel and have also perused the impugned judgments.
7. 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.
8. 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, Barnala and the same are hereby affirmed.

9. 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.
10. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner aged about 40 years is not a previous convict, a lenient view can be taken in the matter of sentence. Consequently, the substantive sentence of imprisonment as imposed upon the petitioner is reduced from 1 year to the one already undergone. The fine shall, however, remain unaltered. However, the aforesaid reduction shall be subject to the condition that the petitioner pays an amount of ₹30,000/- as compensation to the victim which shall be deposited in the Court of Chief Judicial Magistrate, concerned within a week from today with a notice of such deposit to victim. Upon such amount being deposited, the same shall be disbursed to the victim subject to proper identification.
11. The revision petition stands accepted to the limited extent as regards modification of sentence as indicated above.

March 5, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No