

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

CRR-15-2019 (O&M)  
Date of Decision:- 4.3.2020

Mohammad Hashim ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Dr. Amanpreet Sandhu, Advocate, for the petitioner.

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

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this court challenging judgment dated 28.9.2018, passed by learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar whereby an appeal filed by the petitioner against judgment dated 25.1.2017 passed by learned Judicial Magistrate 1st Class, SBS Nagar has been dismissed and conviction of the petitioner for offences punishable under Sections 279, 337 and 304-A IPC has been upheld.

2. Learned Judicial Magistrate 1<sup>st</sup> Class, SBS Nagar while convicting the petitioner for offences under Sections 279, 337 and 304-A IPC, sentenced the petitioner to undergo the following imprisonment:

| Offence under Section | Sentence awarded                   | Fine imposed                                                           |
|-----------------------|------------------------------------|------------------------------------------------------------------------|
| 279 IPC               | Rigorous imprisonment for 3 months | —                                                                      |
| 337 IPC               | Rigorous imprisonment for 3 months | —                                                                      |
| 304-A IPC             | Rigorous imprisonment for 2 years  | ₹500/- in default of payment of fine simple imprisonment for one week. |

3. Notice of motion in this case had already been issued on 9.1.2019.
4. The learned State counsel has today filed custody certificate of the petitioner-Mohammad Hashim, which is taken on record. As per custody certificate, the petitioner has undergone 1 year, 6 months and 28 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, Shaheed Bhagat Singh Nagar 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 Mohammad Hashim is stated to be aged 42 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.

**March 4, 2020**

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**(GURVINDER SINGH GILL)  
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No