

CRR-3337-2019

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

**CRR-3337-2019 (O & M)
Date of Decision:07.02.2020**

Mandip Singh @ Mani

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Jasmeet Singh Ghumman, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Custody certificate by way of affidavit of Sh. Narpinder Singh, PPS, Deputy Superintendent Central Jail, Kapurthala, has been filed in the Court today. The same is taken on record.

Challenge in the present revision petition is to the judgment dated 21.11.2019 passed by the learned Additional Sessions Judge, Jalandhar, whereby while dismissing the appeal filed by the petitioner alongwith co-accused, the judgment of conviction and order of sentence dated 11.04.2017 passed by the learned Sub Divisional Judicial Magistrate, Phillaur, in FIR No.103 dated 07.04.2003, under Sections 382/34 IPC, registered at Police Station Phillaur, Jalandhar, have been upheld.

The petitioner was tried for committing the offences under Sections 382 and 411 IPC. As per the prosecution version, on 07.04.2013,

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the complainant alongwith her husband Sodhi Ram was going on Activa scooter to Ludhiana for shopping. When they were passing through the thick forest Phillaur, one motor-cycle, bearing registration No.PB-08-4453, on which two persons were riding, came there and they stopped their motor-cycle near to their Activa and snatched her black coloured purse containing Rs.16,500/-, her driving licence by putting sharp-edged knife on her neck. Thereafter, the assailants fled away from the spot. After recording the statement of complainant, investigation was set into motion. The petitioner alongwith co-accused was arrested. After completion of investigation, the challan was presented.

On the basis of evidence led, it stood proved before the learned trial Court that by pointing KARAD, the petitioner-accused alongwith co-accused had snatched the purse containing Rs.16,500/- and driving licence belonging to complainant after having made preparation for causing hurt and restrained her and they had been found in possession of the aforesaid articles. Consequently, the petitioner alongwith co-accused was convicted under Sections under Sections 382 and 411 IPC. He was, accordingly, sentenced to undergo as under:

u/S 382 IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.500/- and in default of payment of fine, he shall further undergo simple imprisonment for 15 days.
u/S 411 IPC	To undergo rigorous imprisonment for six months and to pay fine of Rs.200/- and in default of payment of fine, he shall further undergo simple imprisonment for 07 days.

Both the sentences were ordered to run concurrently.

Aggrieved of the judgment and order passed by the learned trial Court, the petitioner alongwith co-accused preferred appeal before the

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learned Additional Sessions Judge, Jalandhar. However, vide impugned judgment dated 21.11.2019 passed by the learned Additional Sessions Judge, Jalandhar, the appeal had been dismissed, thereby affirming the judgment and order passed by the learned trial Court.

Still aggrieved, the petitioner has preferred the present revision petition.

I have heard the learned counsel for the parties and gone through the record.

Both the courts below after having scrutinized the evidence on record, have rightly convicted the petitioner for the offences under Sections 382 and 411 IPC. Learned counsel could not point out any perversity or illegality in the findings recorded by the courts below. He has also failed to show as to how the courts below had not appreciated the evidence in right perspective. Thus, in my opinion, in view of the evidence on record, there is no scope for interference in the findings of the courts below, so far as the conviction part is concerned. Hence, the conviction of the petitioner under Sections 382 and 411 IPC is upheld.

Faced with this situation, the learned counsel for the petitioner confines his prayer to the sentence part. He submits that the occurrence took place in the year 2013; that the petitioner is a first time offender, that he has in custody since the date of dismissal of appeal and that by now, he has undergone the sentence of 03 months and 24 days, including remissions, out of the total sentence of 01 year. Thus, it is prayed that the sentence imposed upon the petitioner may be reduced to the period already undergone by him.

On the other hand, the learned State while opposing the prayer

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of the learned counsel for the petitioner, states that both the courts below have taken a lenient view, when a sentence of one year was imposed upon the petitioner. He further states that even on the sentence count, the petitioner do not deserve any indulgence by this Court. Moreover, one case under the NDPS Act is also pending against the petitioner.

Keeping in view the nature of offence coupled with the facts that the petitioner is a first offender and has undergone the sentence of 03 months and 24 days, including remissions, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars, who is 31 years of age. It is a fit case wherein sentence awarded to the petitioner can be reduced to the period already undergone.

Accordingly, conviction of the petitioner under Sections 382 and 411 IPC is maintained. However, the sentence awarded to the petitioner is reduced to the period already undergone by him. The sentence of fine and in default thereof, shall remain the same. The petitioner be released forthwith, if not required in any other case, but on deposit of the fine imposed by the trial Court, if already not paid.

With the aforesaid modification the present revision petition is disposed of.

07.02.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No