

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

CRA-S-4628-SB-2017(O&M)

Date of decision:-26.7.2022

Joga Singh

...Appellant

Versus

State of Punjab

...Respondent

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

Present: Mr.Shobit Phutela, Legal Aid Counsel
for the appellant.

Mr.Sandeep Vermani, Addl.A.G., Punjab.

H.S. MADAAN, J.

1. Appellant/accused Joga Singh was tried by Additional Sessions Judge, Sangrur in case FIR No.69 dated 29.6.2017, under Sections 379-B and 511 IPC, registered with Police Station City-1, Malerkotla and in terms of judgment dated 31.10.2017, the accused/appellant was convicted in that case for the offence for which he was booked and vide order of even date, he was sentenced to undergo rigorous imprisonment for a period of 4 years and to pay a fine of ₹5,000/- and in default thereof to undergo further rigorous imprisonment for a period of 15 days.

2. Briefly stated, the facts of the case as per prosecution version are that on 29.6.2017 at about 6:45 p.m. in the area of near Jindal Hospital, Doctor Kakkar Hospital Street within the jurisdiction of Police Station City-1, Malerkotla, accused Joga Singh driving motorcycle make Bajaj CT-100 bearing No.PB13-AT-9519 on which his co-accused, who was found to be juvenile and who was pillion riding in furtherance of their common intention had tried to snatch purse from the sister of complainant, namely, Mandeep Kaur. It was juvenile pillion rider, who had tried to snatch the purse.

3. Both the accused were arrested in this case. Formal FIR was registered. The matter was investigated. On completion of investigation, challan against Joga Singh was prepared and filed in the Court, whereas the juvenile was forwarded to Juvenile Justice Board to face proceedings there.

4. Feeling aggrieved by the said judgment of conviction and order of sentence (supra), the accused/appellant Joga Singh had preferred the present appeal before this Court, which was put up on 22.12.2017 when it was Admitted for regular hearing and on an application under Section 389 Cr.P.C. having been filed by the appellant/accused for suspension of his sentence of imprisonment during the pendency of appeal, the remaining sentence of the appellant was ordered to be suspended during the pendency of appeal on 25.5.2018.

5. Now the appeal has come up for final hearing.

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

7. At the very outset, learned counsel for the appellant states that he does not challenge the judgment on the point of conviction but wants to make submissions with regard to sentence.

8. Learned counsel appearing for the appellant has contended that the appellant/accused was aged about 31 years at the time of his conviction; he is a poor person working as a labourer; he is married and sole bread winner of his family comprising his wife and three daughters. He has further contended that as per the custody certificate filed by the State counsel, the appellant/accused has already undergone total imprisonment of 1 year and 25 days, which is the actual undergone period including custody as under trial, as such a lenient view in the matter be taken.

9. Whereas learned State counsel has contended that sentence awarded to the appellant is not on higher side and does not call for any reduction.

10. After considering the rival contentions, I find that the prayer made by learned counsel for the appellant deserves to be accepted. Although the appellant is shown to be involved in another case but he is on bail in that case. Furthermore, he has already undergone total imprisonment of 1 year and 25 days, which is the actual undergone period including custody as under trial, out of the substantive sentence awarded to him.

11. In that way, while upholding the judgment of conviction passed against the appellant/accused, the order of sentence is modified and his sentence is reduced to one already undergone by him in this case.

Whereas, the fine part is kept as intact. The appellant/accused is directed to deposit the amount of fine in the trial Court within one month from today and in case of default of payment of fine, the appellant/accused shall be liable to be taken into custody and made to undergo sentence in default of payment of fine by Chief Judicial Magistrate, Sangrur by issuing Non-bailable warrants of arrest against him.

12. As such the appeal challenging the impugned judgment stands disposed of with above modification in sentence.

Intimation be sent to Chief Judicial Magistrate, Sangrur for necessary compliance.

26.7.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : No / Yes

Whether reportable : No / Yes