

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

CRR-841-2021 (O&M)
Date of Decision:-22.2.2022

Hitesh Chawla ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Goyal, Advocate,
for the petitioner.

Mr. Rahu Mohan, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails judgment dated 4.8.2021 passed by learned Additional Sessions Judge, Panipat, whereby an appeal filed by the petitioner against judgment dated 5.12.2016 and order of sentence dated 27.2.2017 passed by learned Chief Judicial Magistrate, Panipat, has been dismissed and conviction of the petitioner for offence punishable under Section 381 of Indian Penal Code has been upheld but the substantive sentence of imprisonment has been reduced from rigorous imprisonment for 3 years to rigorous imprisonment for 1 year.

2. Today, at the very outset, learned counsel for the petitioner submits that he restricts his submissions to the quantum of sentence only inasmuch as the petitioner is not a previous convict and has already undergone about 9 months of sentence out of the imposed sentence of 1 year.
3. I have heard learned counsel for the petitioner and have also perused the impugned judgments.
4. This Court, upon perusal of the impugned judgments, finds that the Trial Court as well as the Lower Appellate Court have marshalled the evidence extensively so as to reach at a finding as regards the guilt of the petitioner. There is no misreading of evidence. In these circumstances, this Court does not find any infirmity in the findings of conviction as recorded by learned Trial Court pertaining to offence punishable under Section 381 of Indian Penal Code and as upheld by learned Lower Appellate Court and the same is hereby upheld.
5. However, as far as the sentence of rigorous imprisonment of 1 year as imposed upon the petitioner is concerned, this Court finds that there is some room for reduction in sentence particularly keeping in view the fact that he is not a previous convict though he is facing a trial at the moment for an offence under Section 174-A IPC. The petitioner is stated to have undergone 8 months and 27 days as on date out of the total imposed sentence of 1 year. As such, keeping in view the aforestated undergone period and the fact that the petitioner otherwise is a first offender and has not been convicted earlier in any other case, 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.

6. The revision petition stands disposed off to the limited extent as indicated above as regards modification of the quantum of sentence.

22.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No