

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

CRR-1538 of 2019(O&M)

Date of Decision: 07.07.2022

Rinku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Sandeep Kotla, Advocate
For the petitioner.**

Mr. Naveen K. Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

The petitioner was tried in FIR No. 385 dated 29.05.2014, registered at Police Station Model Town, Panipat for offence under Section 380 IPC. As per allegations in the FIR, the petitioner, who was working on contract basis with NFL, was caught by Const. Y.S. Reddy at the gate while he had stolen aluminium plates weighing 8 kgs by concealing the same in bundle of grass. He was arrested by the police and challan was presented for trial.

At the trial, the prosecution examined six witnesses, including Constable Y.S. Reddy as PW4, PW2 Inspector Puran Chand and PW6 HC Satinder, who fully supported the prosecution case and proved the recovery memo Ex.PW1/A whereby stolen aluminium plates recovered from the possession of petitioner, were taken in police possession.

The petitioner abjured the trial.

After analyzing the evidence on record, the trial Court vide judgment dated 22.05.2017 held the petitioner guilty under Section 380 IPC and was sentenced to undergo rigorous imprisonment for one year. A fine of Rs.500 was imposed. In default of payment of fine, he was ordered to further undergo simple imprisonment for three months.

The appeal filed by the petitioner was dismissed by the Court below vide order dated 28.05.2019.

Dis-satisfied therewith, the petitioner has filed the instant revision petition.

I have heard learned counsel for the parties and have perused the paper-book.

A perusal of judgments passed by the Courts below would reveal that the trial Court placed reliance on the testimonies of prosecution witnesses who apprehended the petitioner at the spot with stolen aluminium plates. The said PWs supported the prosecution case in totality. Their testimonies remained unshaken. There is no scope to disbelieve them. It is settled that scope of interference in exercise of revisional jurisdiction is limited, unless it is shown that the Courts below have erred in law or facts while passing the judgment. Learned counsel for the petitioner has failed to point any infirmity in the impugned judgments which warrants interference by this Court.

The findings of the Courts below qua conviction of the petitioner under Section 380 IPC are affirmed.

Learned counsel has urged that the petitioner remained in custody for more than five months and no other case is pending against him. He further submitted that the matter pertains to the year 2014 and

since then the petitioner has undergone the agony of protracted trial for about eight years. He further contended that the case is relating to petty theft of some aluminium plates and leniency be shown to the petitioner, who is sole bread earner of the family. He further contended that his sentence be reduced to the one already undergone by him.

Learned State counsel has not controverted the fact that the petitioner is a first offender.

As per the custody certificate dated 06.07.2022 furnished by the State counsel the actual custody period of the petitioner in the present case is 05 months and 13 days out of total sentence of one year. Admittedly, the petitioner has already undergone the agony of protracted trial for the last about 08 years. As has been stated by counsel, the petitioner is the sole bread winner of his family and he belongs to poor strata of the society. Considering the facts and circumstances of the case and the antecedents of the petitioner coupled with the nature of offence for which he has been convicted and sentenced, this Court is of the considered opinion that ends of justice would be met if the sentence of the petitioner awarded under Section 380 IPC is reduced to the period already undergone by him. The fine, which is stated to be deposited, would remain intact. It is ordered accordingly.

With the above modification, the instant revision petition stands disposed of.

07.07.2022

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**(KARAMJIT SINGH)
JUDGE**

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