

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-822-2018 (O&M)

Date of Decision: 15.11.2022

Sandeep Saini @ Chuchu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Digvijay Dalal, Advocate for
Mr. Sunil Saharan, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Through this revision, accused-petitioner has laid challenge to the judgment dated 06.04.2016 of the First Appellate Court, whereby the appeal filed by the petitioner against the judgment of conviction dated 03.03.2015 and order of sentence 05.03.2015 of the trial Court, was dismissed and the sentence awarded to the petitioner was reduced from 3 years rigorous imprisonment to 2 years rigorous imprisonment. However, fine of Rs.3000/- with the default clause was ordered to be remain intact.

Briefly, the petitioner along with his co-accused, namely, Sunil @ Sheelu was booked and tried in case FIR No. 370 dated 19.06.2014 registered under Section 379 IPC at Police Station City, Fatehabad, on the allegations that they have stolen the motorcycle of complainant-Parmod Kumar, bearing Registration No. HR-22-F-3505 make Hero Honda Splendor Plus.

Vide judgment of conviction dated 03.03.2015 and order of sentence dated 05.03.2015, the trial Court convicted the petitioner along with his co-accused, Sunil @ Sheelu, under Section 411 read with Section 34 IPC and sentenced them to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.3000/- and in default thereof, to further undergo simple imprisonment for one month each.

Being aggrieved, the petitioner approached the Ist Appellate Court, but remained un-successful as his appeal too was dismissed, vide judgment impugned herein. However, the sentence awarded to the petitioner was reduced from 3 years rigorous imprisonment to 2 years rigorous imprisonment. The fine of Rs.3000/- was ordered to be remain intact.

Learned counsel for the petitioner states that he does not challenge conviction of the petitioner on merits and confines his prayer to the quantum of sentence only. This criminal trial is hanging on his head like damocle's sword for more than 8 years, which should be a sufficient mitigating circumstance to treat him leniently. The petitioner has suffered the ordeal for long period. Out of total sentence two years, petitioner has undergone actual sentence of 09 months and 03 days which includes custody period of 01 month and 02 days, as an undertrial. Fine of Rs. 3000/- has already been paid by the petitioner.

As per custody certificate dated 14.11.2022, petitioner has already undergone actual sentence of 09 months and 03 days which includes custody period of 01 month and 02 days, as an undertrial. The sentence of the petitioner has already been suspended vide order dated

03.07.2018 passed by a co-ordinate Bench of this Court. Therefore, in view of the arguments advanced by learned counsel for the petitioner, this Court is of the view that no useful purpose will be served by keeping the petitioner behind the bars any more. It is a fit case wherein sentence awarded to the petitioner can be reduced to the period already undergone.

Ordered accordingly.

Impugned judgment of conviction stands affirmed with above modification.

Disposed of.

Since, the main revision stands disposed of, therefore, all the criminal miscellaneous applications pending, if any, shall also stand disposed of.

November 15, 2022

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(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No