

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

CRR No.226 of 2023 (O&M)
Date of decision: 2nd February, 2023

Amandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Warring, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

The petitioner has filed the instant revision petition to impugn the order dated 13.12.2022 passed by learned Sessions Judge, Bathinda whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 21.05.2019 passed by learned Judicial Magistrate 1st Class, Bathinda, was dismissed.

Vide judgment dated 21.05.2019, learned Judicial Magistrate 1st Class, Bathinda, convicted and sentenced the petitioner to undergo rigorous imprisonment for two years under Section 411 IPC.

The case as set up by the prosecution may be noticed as thus:

The FIR in question was registered on the basis of ruqa sent to the Police Station pursuant to receipt of secret information, whereupon the accused petitioner was apprehended along with motorcycle make Splendor Plus in the area of Teachers Colony. He could not show any proof of ownership of the said vehicle and was taken into custody. Subsequently, on his disclosure statement, several motorcycles stolen by him from different places in connivance with his co-accused were recovered.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the said judgments.

Vide order dated 23.01.2023, on the statement made by learned counsel for the petitioner before this Court that he would not press the present revision petition on merits, hence notice of motion was issued on the limited extent qua quantum of sentence awarded to the petitioner.

Learned counsel submits that the occurrence in question took place in the year 2016 and the petitioner has suffered agony of trial for almost seven years now. A prayer has therefore been made to take a lenient view by reducing the sentence of two years awarded to the petitioner to the period already undergone by him, which as per the custody certificate is 1 month and 29 days. Learned counsel has further urged that in the last seven preceding years, the petitioner has lead a disciplined life and has not been involved in any other criminal case.

Heard learned counsel for the parties and perused the relevant material available on record.

As per the custody certificate filed by the State, the petitioner has undergone 1 year and 29 days of actual sentence out of the total substantive sentence of 2 years rigorous imprisonment. He is not shown to be involved in any other criminal case.

In the facts and circumstances of the case and keeping in view that after registration of the case against the petitioner and even prior thereto, the petitioner was not involved in any other criminal case, this Court is of the considered view that ends of justice will be met if while maintaining the conviction of the petitioner his substantive sentence of two years is reduced to six months.

With these modifications, the instant revision petition is disposed of.

(MANJARI NEHRU KAUL)
JUDGE

February 2, 2023
rps

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