

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2037-2007 (O&M)
Date of Decision: 28.08.2023

Sukhbir Singh

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.IPS Kohli, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

DEEPAK GUPTA, J.

Petitioner was convicted by Id. JMIC, Panipat under Section 379 IPC read with Section 39 of the Electricity Act, 2003 vide judgment dated 13.01.2006 in case FIR No.199 dated 20.08.2002 registered at Police Station, Madlauda, on the allegations that during an inspection, it was found that he was unauthorisedly abstracting energy by making direct supply and had caused loss of ₹15,794 to the State Exchequer. Vide separate order dated 14.01.2006, he was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- with default sentence. Fine was, however, paid.

2. Against the aforesaid judgment of conviction of sentence, the appeal filed by the petitioner was dismissed by Id. Additional Sessions Judge, Panipat on 11.10.2007.

3. Aggrieved against the aforesaid concurrent findings of conviction, the present revision was filed, which was admitted on 05.11.2007. The remaining sentence of the petitioner was also suspended on the same day i.e., 05.11.2007.

4. Today, at the very outset, ld. counsel for the petitioner has made a statement that he does not want to press his revision against the judgments of conviction passed by the Courts below and that he confines his prayer only to modify the impugned order of sentence.

5. In view of the statement made by ld. counsel, the impugned judgments of conviction as passed by the Courts below are hereby confirmed. Accordingly, appeal against the conviction is dismissed.

6. Coming to the impugned order of sentence, the petitioner has already undergone 27 days of custody as per the custody certificate. His sentence was suspended on 05.11.2007 i.e., more than 15 years back. Fine has already been paid.

7. Having regard to the nature of offence committed by the petitioner, it will not be in the interest of justice to send the petitioner behind the bars after such a long duration of more than 15 years, having regard to the fact that he is not a previous convict nor there is anything on record to show that subsequently, he committed any similar crime. In these circumstances of the case, the period already spent by the petitioner in custody is considered to be appropriate

8. Consequently, the impugned order of sentence passed by the ld. trial Court and as affirmed by the Appellate Court, is hereby modified. Petitioner is sentenced to imprisonment for the period already undergone by him and fine of ₹1000/-, which has already been paid.

Disposed of.

(DEEPAK GUPTA)
JUDGE

28.08.2023

Vivek

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No