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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-2323-2008

DECIDED ON: 8th FEBRUARY, 2023

SATISH KUMAR

PETITIONER

VERSUS

STATE OF HARYANA

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The instant revision petition has been filed against the judgment dated 21.10.2008 passed by learned Additional Sessions Judge, Kaithal, whereby the judgment of conviction and order of sentence dated 29.04.2006 passed by the learned Additional Chief Judicial Magistrate, Kaithal, has been affirmed for the commission of offence under Section 420 IPC. The petitioner was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- and in default of payment of fine, to further undergo RI for 10 days.

The present case was registered at the instance of Fateh Singh on the allegations that he purchased a tractor make Eicher bearing registration No. HR-08-B-2914 for a sum of ₹1,50,000/- from Satish Kumar and paid an amount of ₹1,40,000/- on the same date and it was

agreed that he will pay the remaining amount after the transfer of the necessary documents. Thereafter, the complainant had paid the remaining amount and Satish Kumar transferred the ownership of the said tractor in his name. It was alleged that the complainant went away to purchase milk in village Keorak and when his wife came back she found that the tractor was missing. Later on he came to know that some unknown persons had stolen his tractor. Accordingly, an FIR under Section 380 IPC was registered and during investigation the tractor was recovered from the house of one Ram Kumar. Ram Kumar presented the registration certificate of the tractor, according to which the said tractor was in the name of Satish Kumar, who sold it to Ram Kumar.

At the very outset, learned counsel for the petitioner confines his prayer to the quantum of sentence. He submits that FIR was registered on 28.03.1998 and the petitioner has faced the agony of trial for a considerable period. Assertion is that the petitioner has already undergone the actual sentence of 8 months out of one year, therefore, he prays for leniency by reducing the sentence to the period already undergone by him.

Custody certificate of the petitioner filed by learned State counsel is taken on record.

Learned counsel for the State opposes the prayer made by learned counsel for the petitioner. He submits that learned trial Court appreciated the evidence and after analysing the facts on record, convicted the petitioner whereby no interference is called for.

Learned State counsel has not disputed the factum of custody period undergone by the petitioner.

Heard learned counsel for the parties and perused the record.

The contention of learned counsel for the petitioner regarding quantum of sentence deserves acceptance.

It would be appropriate to note at this stage that FIR was registered on 28.03.1998 and the petitioner has faced the agony of protracted trial for a considerable long period, to meet the ends of justice, the criminal revision petition is partly allowed.

There is no challenge to the the impugned judgment of conviction, order of sentence as well as the order of the appellate Court, as prayed by learned counsel for the petitioner, thus, at the very outset, the conviction of the petitioner is, therefore upheld, however, his sentence is reduced to the period already undergone by him. The petitioner need not to suffer remaining sentence.

(SANDEEP MOUDGIL)
JUDGE

8th FEBRUARY, 2023.

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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |