

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRA-S-1481-2023(O&M)

Date of Decision:-19.05.2023

Kikkar Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Balbir Kumar Saini, Advocate for the Appellant.

JASJIT SINGH BEDI, J.(ORAL)

The present appeal has been preferred against the judgment dated 5.5.2023 whereby the appellant has been convicted and sentenced by the Court of Additional Sessions Judge, Amritsar for having committed the offences punishable under Sections 395/34 & 201 IPC and 450/34 IPC.

2. The brief facts of the case are that an FIR No. 103 dated 7.9.2014 under Sections 395, 201, 450, 34 IPC came to be registered against the appellant and others on the basis of the allegations that on the night intervening 06/07.09.2014 in the area of Rajasansi, he along with his co-accused Bohar Singh, Nimma, Malkit Singh, Balkar Singh and Jagseer had trespassed into the property of the bank and committed dacoity in the ATM of SBI Branch, Rajasansi.

3. The Appellant was chargesheeted under Sections 395, 450, 201 read with Section 34 IPC. He pleaded guilty and did not claim trial. He is stated to have been confronted with the stand taken by him and was apprised of the fact that the confession made by him might result in his conviction on

which he is said to have made a statement to the effect that he was aware of the consequences of his confession and stood firm on his desire to confess.

In view of the confession made by the appellant, as per the Trial Court, without any influence, pressure or coercion, he came to be convicted and sentenced as under:-

Under Section	Sentence	Fine	In default of payment of Fine
395/34 IPC	To undergo rigorous imprisonment for two years	Rs.1000/-	To further undergo rigorous imprisonment for 15 days
450/34 IPC	To undergo rigorous imprisonment for two years	Rs.1000/-	To further undergo rigorous imprisonment for 15 days
201 IPC	To undergo rigorous imprisonment for one year		

4. The instant appeal has been filed against the aforementioned judgment of conviction and order of sentence.

5. The Counsel for the appellant contends that the counsel representing the appellant had argued before the Trial Court that as the appellant had been in custody since long, his case could be considered for reduction of sentence or grant of interim bail to attend the marriage of his nephew. However, the Trial Court has passed the judgment of conviction and order of sentence on the basis of the alleged confessional statement, which the appellant was unaware of. On merits he submits that there were material discrepancies in the prosecution case and contradictions in the statements of witnesses. In fact, the appellant had been implicated at the instance of the complainant. In the alternative he has prayed for reduction of sentence.

6. I have heard learned Counsel for the appellant at some length.

7. A perusal of the impugned judgment would categorically show that the appellant was made aware of the fact that his confession might result into his conviction to which he is said to have informed the court that he was

aware of the consequences of his confession. It was only thereafter, once the Court had been satisfied that the confessional statement was not being made under any influence, pressure or coercion and the Court proceed to convict the appellant vide the impugned judgment.

8. Therefore, I find no fault with the judgment of conviction recorded by the Court of Additional Sessions Judge, Amritsar.

9. As regards the prayer for reduction of sentence, it may be pointed out that the benefit of a reduced sentence has already been granted to the appellant in view of the fact that the sentence awarded is only 02 years rigorous imprisonment for having committed offences punishable under Section 395/34 IPC, 450/34 IPC and 201 IPC. In the given facts and circumstances, no further reduction of sentence is called for. Therefore, this prayer of the appellant is also declined.

10. In view of the above, the present appeal is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 19, 2023
Vinay

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