



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-258-2024 (O&M)
DECIDED ON: 29.05.2024

SUKHPAL
STATE OF HARYANA

VERSUS

.....PETITIONER
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Manvender S. Chauhan, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The prayer of the petitioner in the present revision petition is for setting aside the judgment of conviction and order of sentence passed by Chief Judicial Magistrate, Kaithal dated 13.12.2016 and 17.12.2016 vide which the petitioner was sentenced to undergo RI for period of 2 years along-with fine of Rs.1000/-; in default thereof, to further undergo SI for a period of 3 months for commission of offence punishable under Section 332 IPC; to undergo RI for period of 1 year along-with fine of Rs.500/-; in default thereof, to further undergo imprisonment for a period of 2 months for commission of offence punishable under Section 353 IPC; to undergo RI for period of three months along-with fine of Rs.200/-; in default thereof, to further undergo imprisonment for a period of 1 month for commission of offence punishable under Section 186 IPC; to undergo RI for period of three months along-with fine of Rs.200/-; in default thereof, to further undergo imprisonment for a period of 1 month for



commission of offence punishable under Section 201 IPC; to undergo RI for period of 1 year along-with fine of Rs.500/-; in default thereof, to further undergo imprisonment for a period of 2 months for commission of offence punishable under Section 356 IPC; to undergo RI for period of six months along-with fine of Rs.300/-; in default thereof, to further undergo imprisonment for a period of one month for commission of offence punishable under Section 506 IPC as well as the judgment dated 23.01.2024, whereby the Additional Sessions Judge, Kaithal affirmed the impugned judgment of conviction and order of sentence dated 13.12.2016 and 17.12.2016 while holding the petitioner guilty under Sections 332, 353, 186, 201, 356 and 506 IPC.

2. At the very outset, learned counsel for the petitioner contends that he does not want to challenge the conviction of the petitioner on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.

4. Here it would be pertinent to mention that the petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgments as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.

5. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that the petitioner has already faced music of criminal litigation for more than one decade, who is an old man and is the only



member to look after his family . The petitioner has already undergone the actual sentence for a period of 4 months and 26 days out of total substantive sentence of 2 years, as is evident from the custody certificate filed by learned State counsel in Court today.

6. Looking into the afore-said facts and circumstances, this court is of the considered view that a chance be given to petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life, who is a person of clean antecedents, as is evident from the custody certificate.

7. Taking into consideration the above narrated discussion as well as the fact that the petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.

8. With the aforesaid modification in the quantum of sentence, the present criminal revision petition stands disposed off.

9. The petitioner is ordered to be released forthwith in case he is not required in any other case.

10. In view of above, the application i.e. CRM-5728-2024 seeking suspension of sentence of the applicant/petitioner, during the pendency of present revision petition is disposed off, being not pressed.

29.05.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No