



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-519-2024 (O&M)
DECIDED ON: 28.05.2024

BALJEET SINGH @ GOGA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. A.S. Sekhon, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The prayer of the petitioner in the present revision petition is for setting aside the judgment of conviction passed by Sub Divisional Judicial Magistrate, Baghapurana, District Moga dated 03.07.2018 as well as the judgment dated 01.02.2024, whereby the Additional Sessions Judge, Moga affirmed the impugned judgment/order dated 03.07.2018 while holding the petitioner guilty under Sections 326/34, 452, 323/34 IPC and dismissed the appeal qua this aspect and the order of sentence was modified with the result by reducing the quantum of substantive sentence that the petitioner would undergo simple imprisonment under Section 326/34 IPC for 02 years and pay fine of Rs.2000/- and in default of payment of fine, he shall undergo RI for one month; under section 452 IPC for 02 years and pay a fine of Rs.2000/- and in default of payment of fine, he shall undergo RI for one month; under Section 323 of IPC for 06 months.



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 judgment as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment 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 the only breadwinner for his family. The petitioner has already undergone the actual sentence for a period of 3 months and 26 days out of total substantive sentence of 2 years.

6. In view of the afore-said facts and circumstances added with the fact that the petitioner is a person of clean antecedents, as is evident from the custody certificate filed by learned State counsel in Court today, this court is of the considered view that a chance be given to him to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.

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-11722-2024 seeking suspension of sentence of the applicant/petitioner, during the pendency of present revision petition is disposed off, being not pressed.

28.05.2024
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(SANDEEP MOUDGIL)
JUDGE

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