

2024:PHHC:168189



254 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-801-2023 (O&M)
DECIDED ON: 16.12.2024

AMIT

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The present criminal revision petition has been preferred against the judgment dated 10.03.2023 passed by Additional Sessions Judge, Karnal whereby, the judgment of conviction dated 12.08.2016 and order of sentence dated 22.08.2016 passed by Judicial Magistrate Ist Class, Karnal has been affirmed. The petitioner has been sentenced as under:-

Name of Convict	Under Section	Rigorous imprisonment	Fine	Indefault
Amit	392 IPC	Three Years	Rs.5000/-	SI for three months
	394 IPC	Three years	Rs.5000/-	SI for three months

3. 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 the agony of protracted trial for almost a decade, he is a sole bread earner of his family. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Moreover, it is clear that the petitioner has now been burdened with numerous liabilities. Further more, out of total substantive sentence of three years, the petitioner has already undergone the actual custody for a period of 2 years 8 months and 10 days, as of now.

6. No doubt the criminal antecedents of the accused are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases.

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, if any.

8. With the aforesaid modification in the quantum of sentence, the present criminal revision petition stands disposed off. Application seeking suspension of sentence is also disposed off.
9. The petitioner is ordered to be released forthwith in case he is not required in any other case.
10. Pending criminal misc. application, if any shall also disposed off.

16.12.2024
Meenu

(SANDEEP MOUDGIL)
JUDGE

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