

CRR-723-2024 (O&M)

[1]

271

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-723-2024 (O&M)

Date of decision: 28.05.2024

Jamshed

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Deepak Kundu, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present criminal revision petition has been filed by the petitioner seeking setting aside of the judgment and order dated 06/07.07.2023 passed by the Court of Judicial Magistrate Ist Class, Panipat whereby the petitioner was convicted and sentenced to SI for a period of 1 year and to pay a fine of Rs.2,000/- and in default of payment of fine to further undergo SI for 15 days under Section 411 IPC and judgment dated 08.02.2024 passed by the Court of Sessions Judge, Panipat, affirming the judgment and order dated 06/07.07.2023.

2. The brief facts of the case are that on 06.09.2015, complainant Chaman Lal reported to the police that on 05.09.2015 some unknown persons had committed theft of his motor cycle No.HR-06-X-3756 from the area of vegetable market Panipat. Resultantly, FIR in the present case was registered under Section 379 and 411 IPC in Police Station Chandni Bagh, Panipat having No.1053 dated 06.09.2015. On 20.02.2016, police officials of Police Station Kavi Nagar, District Gaziabad apprehended the petitioner while he was driving aforesaid stolen motor

cycle and with regard to said recovery separate FIR was registered in Police Station Kavi Nagar District Gaziabad. The petitioner was formally arrested in the present case on 27.05.2016 after getting his production warrants. On completion of investigation, police presented challan against the petitioner.

3. On finding, a *prima facie* case for commission of offence under Section 411 IPC, the petitioner was charged accordingly. However, he pleaded not guilty and claimed trial.

4. To substantiate its case, prosecution examined PW-1 Chaman Lal complainant, who proved complaint Ex.PW-1/A and also proved identification memo Ex.PW-1/B whereby he identified his stolen motor cycle in Police Station Kavi Nagar, District Gaziabad. Prosecution also examined PW-5 Inspector Subhash Chand who on 20.02.2016 arrested the petitioner along with stolen motor cycle and proved recovery memo Ex.PW-2/A. PW-2 head constable Virender Kumar also corroborated the statement of PW-5. PW-3 Inspector Balwan Singh proved FIR Ex.PW-3/A dated 06.09.2015 lodged by complainant with regard to theft of his motor cycle. PW-6 Sub Inspector Sonia Kaushik deposed that on 23.02.2016, she gave information with regard to recovery of stolen motor cycle to SHO of Police Station Chandni Bagh, Panipat. Prosecution also examined PW-4 ASI Mahabir Singh and PW-7 ASI Rajesh.

5. The petitioner was examined under Section 313 Cr.P.C. Petitioner did not examine any witness in his defence.

6. After hearing the counsel for the petitioner and the Public Prosecutor, the learned trial Court convicted and sentenced the petitioner to imprisonment as detailed in the opening paragraph of this judgment.

7. Being aggrieved, petitioner preferred an appeal which was also dismissed by the Court of Sessions Judge, Panipat vide judgment dated 08.02.2024.

CRR-723-2024 (O&M) [3]

8. Feeling aggrieved, the petitioner has filed the criminal revision petition.
9. I have heard the counsel for the petitioner and the State counsel.
10. The counsel for the petitioner has not contested the conviction of petitioner on merits. Even from the evidence led by the prosecution also no ground is made out to interfere in the findings recorded by the trial Court and upheld by the Court of Sessions Judge, Panipat with regard to conviction of the petitioner under Section 411 IPC.
11. The counsel for the petitioner made prayer that the petitioner has already undergone more than 4 months out of total sentence of 1 year and made prayer that the petitioner be sentenced to imprisonment already undergone by him.
12. Taking into consideration, the facts and circumstances of the case, the present revision petition is allowed to the limited extent that the sentence imposed upon the petitioner by the trial Court and upheld by the Court of Additional Sessions Judge, Panipat shall stand reduced to the period of sentence already undergone by the petitioner i.e. 4 months and 23 days. However, the sentence of fine imposed by the trial Court remains unaltered.

28.05.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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