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2024:PHHC:010748

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-647-2017
DECIDED ON: 24.01.2024

DARSHAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. N.S. Dandiwal, Advocate
for the petitioner.

Mr. R.S. Khaira, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The instant revision petition has been filed against the judgment dated 10.01.2017 passed by Additional Sessions Judge, whereby the judgment of conviction dated 05.08.2016 passed by the Sub Divisional Judicial Magistrate, Bagha Purana has been affirmed for the commission of offence under Sections 409 and 120-B of Indian Penal Code, 1860 (for short 'IPC'. The petitioner was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs. 2000/- and in default thereof, to further undergo SI for one month, vide order of sentence of even date.

2. At the very outset, learned counsel for the petitioner confines his prayer to the quantum of sentence. He submits that FIR was registered on 21.04.2010 and as such the petitioner has faced the agony of trial for a

considerable period. Assertion is that the petitioner has already undergone the actual sentence of 8 months out of 2 years RI awarded to him, therefore, prays for leniency by reducing the sentence to the period already undergone by him.

3. Here it would be pertinent to mention that the petitioner did not challenge his conviction on merits and only confines his relief 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 judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.

4. 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 and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial since 2010, he is old age and poor person and is only bread earner of his family. There is no other case of any nature whatsoever, either pending or disposed of, against the petitioner, which is sufficient for this Court to infer that he is a person of clean antecedents. Moreover, the petitioner has already suffered incarceration for a period of 08 months as on 23.01.2024, out of total substantive sentence for a period of two years, therefore, some concession in substantive sentence can be extended to him. 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.

5. Taking into consideration the above narrated discussion as

well as the fact that petitioner has not challenged his conviction on merits, while affirming his conviction, the sentence of the petitioner is reduced to the period already undergone by him with no change in the fine clause. The petitioner need not to suffer remaining sentence.

6. In view of the above discussions made hereinabove, the revision petition stands disposed off, accordingly.

SANDEEP MOUDGIL
JUDGE

24.01.2024

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- 1. Whether speaking/ reasoned : Yes / No
- 2. Whether reportable : Yes / No