

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRR-2166-2018 (O&M)

Date of Decision: 24.04.2024

Surender Singh @ Sinder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shakti Gautam, Advocate for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The instant revision has been preferred by Surender Singh @ Sinder, challenging judgment dated 04.06.2018 passed by the learned Sessions Judge, Kurukshetra, whereby judgment of conviction and order of sentence dated 09.01.2017 passed by the Judicial Magistrate Ist Class, Kurukshetra, in case bearing FIR No.5, dated 03.02.2016 under Sections 380 and 457 IPC registered at Police Station, Jhansa, District Kurukshetra has been upheld, vide which, the accused – petitioner has been convicted and sentenced to undergo RI for a period of one year for commission of offence punishable under Section 411 IPC along-with fine to the tune of Rs.1000/- and in default thereof, to undergo further imprisonment for seven days.

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

challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) 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 appellate court. Moreover, petitioner has already suffered incarceration for a period of more than 04½ months out of total substantive sentence of one year. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Though, it is evident that the petitioner is also involved in another case under IPC but in that case he is on bail.

5. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while affirming their conviction, the order of sentence is modified to the extent to the period already undergone by him. As far the fine is concerned for the unserved period for conviction, the same is waived off in the light of the fact that he has no source of income who has lost his younger brother during this period as well as father and has to look after the widow mother who has nobody to take care.

6. With the aforesaid modification in the quantum of sentence, the revision petition stands disposed of.

24.04.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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