

2024:PHHC:113085



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

222

CRR-1470-2023 (O&M)
Date of decision: 31.08.2024

Karan Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Munish Puri, Advocate
for the petitioner.

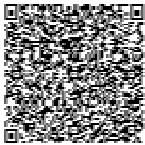
Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present revision petition has been filed against the judgment of conviction dated 27.07.2016 and order on quantum of sentence of the even date, passed by the Court of learned Judicial Magistrate First Class, Pathankot in criminal case arising out of the FIR No. 64 dated 01.04.2009, registered under Sections 304-A, 279, 337, 338 and 427 of IPC at Police Station Sadar, Pathankot, whereby the petitioner was held guilty for commission of offences punishable under Sections 279, 427 and 304-A of IPC and was sentenced to undergo rigorous imprisonment for maximum 02 years; as well as against the judgment dated 28.03.2023, whereby the appeal of the petitioner had been dismissed by the Court of learned Additional Sessions Judge, Pathankot.

2. Today, learned counsel for the petitioner has made a statement so as to withdraw the present revision against the judgment of conviction passed by the trial Court as well as the judgment passed by the appellate Court. Learned counsel for the petitioner confines his prayer against the order of

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sentence only. It is further submitted that petitioner is not the previous convict nor any other case is pending against him and so looking into these circumstances, the petitioner may be sentenced for the period already undergone by him.

3. Learned State Counsel has no serious objection to the aforesaid prayer. He has filed custody certificate, as per which, the petitioner has already undergone actual sentence of 01 year, 04 months and 08 days out of total sentence of 02 years as awarded by the trial Court and upheld by the appellate Court.

4. After hearing the counsel for the parties, I uphold the judgments of conviction passed by the Courts below as the same are based on appreciation of prosecution evidence, proving guilt of the petitioner, however, considering the fact that the petitioner has faced the agony of protracted trial and he has already undergone actual sentence of 01 year, 04 months and 08 days and is not involved in any other case, which shows that he has improved his character and has joined the mainstream of the society, the order on quantum of sentence dated 27.07.2016 is modified to the extent that the same is reduced to the period already undergone by the petitioner.

5. The petitioner is directed to be released from custody forthwith. His personal/surety bonds be discharged accordingly. Let a copy of this order be sent to the trial Court.

31.08.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No