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2024:PHHC:010861

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-1888-2022 (O&M)
DECIDED ON: 25.01.2024

JARNAIL SINGH

.....APPELLANT

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. T.S. Attariwala, Advocate
for the appellant.

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The instant appeal has been filed against the judgment of conviction dated 01.07.2022 and order of sentence dated 02.07.2022 passed by Special Judge (Electricity) Kaithal, whereby the appellant has been sentenced to undergo simple imprisonment for a period of 3 years and 10 months alongwith fine of Rs.10,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of 2 months for commission of offence under Sections 136(2) of Electricity Act, 2003.

2. At the very outset, learned counsel for the appellant confines his prayer to the quantum of sentence and submits that FIR in the present case was registered on 01.06.2019 and as such the appellant has faced the agony of trial for a considerable period. Assertion is that the appellant has already undergone the actual sentence of 2 years, 10 months and 15 days

out of 3 years and 10 months SI 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 appellant did not challenge his conviction on merits and only confines his relief quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment as far as the conviction of the appellant is concerned. As such, the conviction of the appellant 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 Court below. Apart from the fact that appellant is facing the agony of protracted trial since 2019, he has three children i.e, 2 daughters and a son; he is only bread earner of his family and there is nobody to take care of his family. Moreover, the appellant has already suffered incarceration for a period of 2 years, 10 months and 15 days as on 24.01.2024, out of total substantive sentence for a period of 3 years and 10 months, 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 appellant 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 appellant has not challenged his conviction on merits, while affirming his conviction, the sentence of the appellant is reduced to the period already undergone by him with no change in the fine clause.

The appellant need not to suffer remaining sentence.

6. In view of the above discussions made hereinabove, the present appeal stands disposed off, accordingly.

7. All the miscellaneous applications, if any be disposed off accordingly.

SANDEEP MOUDGIL
JUDGE

25.01.2024
Meenu

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