

CRR-1393-2010 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(209)

CRR-1393-2010 (O&M)
Date of Decision: 24.02.2025

Shri Pal

... .Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajesh Goyal, Advocate, for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 11.05.2010 passed by the Additional Sessions Judge, Panipat whereby the appeal filed against the judgment of conviction and order of sentence dated 06/08.05.2009 passed by the Judicial Magistrate Ist Class, Panipat has been dismissed.

2. The FIR in the present came to be registered on 30.11.2001. The judgment of conviction and order of sentence was passed on 06/08.05.2009 by the Judicial Magistrate Ist Class, Panipat. The Appeal filed against the judgment of conviction and order of sentence was dismissed on 11.05.2010 by the Additional Sessions Judge, Panipat. The instant revision petition was filed on 18.05.2010 and has come up for final hearing now i.e. after a period of almost 24 years from the date of registration of the FIR.



3. The brief facts of the prosecution story are that on 30.11.2001, complainant Gurdayal Singh moved an application to the effect that he was a resident of H.No.3, Gaba Colony, near Sector 6/7 HUDA, Panipat. On 30.11.2001, in the after-noon at about 3.00 P.M., he went to offer prayers at Gurudwara on the National Highway and parked his motor cycle outside the Gurudwara. He returned after about half an hour and found his motor cycle missing. Some unknown person had stealthily removed the motor cycle. The RC and DL were also in the vehicle. It was, thus, requested that appropriate action be taken against the accused.
4. Based on the aforementioned application, the FIR came to be registered and on culmination of the investigation, the report under Section 173(2) Cr.P.C. was submitted.
5. On conclusion of the Trial, the accused-petitioner alongwith a co-accused/Radhey Shyam came to be convicted and sentenced vide a judgment of conviction and order of sentence dated 06/08.05.2009 passed by the Judicial Magistrate Ist Class, Panipat, as under:-

Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
411 IPC	RI 01 year each	Rs. 1,000/- each	--
467 IPC read with Section 34 IPC	RI 01 year each	Rs. 1,000/- each	--
468 IPC read with Section 34 IPC	RI 01 year each	Rs. 1,000/- each	--
471 IPC read with Section 34 IPC	RI 01 year each	Rs. 1,000/- each	Imprisonment for 06 months.



All the sentences were ordered to run concurrently.

6. The accused-petitioner/Shri Pal preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Panipat, vide judgment dated 11.05.2010.

7. The aforementioned judgments are under challenge in the present petition.

8. During the pendency of the instant revision petition, the sentence of the accused-petitioner was suspended vide order dated 10.09.2010.

9. The learned counsel for the accused-petitioner, at the very outset, submits that he does not wish to challenge the conviction of the accused-petitioner but prays that keeping in view the fact that the FIR was registered in the year 2001 and the matter has now come up for final hearing after more than 24 years and the accused-petitioner having already undergone more than 06 months of his substantive sentence, while upholding his conviction, he may either be released on probation or his sentence be reduced to the period already undergone by him.

10. The learned counsel for the State, on the other hand, has filed a custody certificate dated 24.02.2025 which is taken on record. As per custody certificate, the accused-petitioner has undergone 06 months and 17 days out of his substantive sentence of one year. He contends that the

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nature of the allegations levelled against the accused-petitioner did not entitle him to any relief as prayed for.

11. I have heard the learned counsel for the parties.

12. From a perusal of the material on record, it stands established beyond doubt that the offences have been committed and therefore, the accused petitioner alongwith his co-convict were rightly convicted for the offences in question.

13. Resultantly, no fault can be found with the well-reasoned judgments of the Trial Court dated 06.05.2009 and the Lower Appellate Court dated 11.05.2010. Therefore, the present revision petition stands dismissed.

14. As regards imposition of sentence, admittedly, the FIR was registered in the year 2001 and as many as 24 years have passed ever since then. The petitioner has suffered protracted judicial proceedings. Therefore, in the peculiar facts of the case, the sentence of the accused/petitioner is reduced to the period already undergone by him i.e. 06 months and 07 days. However, the sentence of fine and the sentence in default of payment of fine shall remain intact.

15. The present revision petition stands disposed of in the above terms alongwith the pending applications, if any.

February 24, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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