

CRR-2845-2010 (O & M)

2025:PHHC:024705



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

(202)

CRR-2845-2010 (O&M)

Date of Decision: 20.02.2025

Shiv Kumar @ Lalit

... .Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Dadwal, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 01.10.2010 passed by the Additional Sessions Judge, Ludhiana whereby the appeal filed against the judgment of conviction and order of sentence dated 06.11.2008 passed by the Judicial Magistrate Ist Class, Ludhiana has been dismissed.

2. The FIR in the present came to be registered on 20.04.2002. The judgment of conviction and order of sentence was passed on 06.11.2008 by the Judicial Magistrate Ist Class, Ludhiana. The Appeal filed against the judgment of conviction and order of sentence was dismissed on 01.10.2010 by the Additional Sessions Judge, Ludhiana. The instant revision petition was filed on 11.10.2010 and has come up for final hearing now i.e. after a period of almost 23 years from the date of registration of the FIR.



3. The brief facts of the case are that the accused came to be apprehended with a stolen scooter. On conclusion of the investigation, the report under Section 173(2) Cr.P.C. was submitted against him and on culmination of the Trial, he came to be convicted and sentenced vide judgment of conviction and order of sentence dated 06.11.2008 as under:-

Offence under Section	Sentence RI	Fine	SI in default of payment of fine
411 IPC	RI 01 year	Rs. 500/-	01 month

4. The accused-petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Ludhiana, vide judgment dated 01.10.2010.

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

6. During the pendency of the instant revision petition, the sentence of the accused-petitioner was suspended vide order dated 24.12.2010.

7. The learned counsel for the accused, at the very outset, submits that he does not wish to challenge the conviction but prays that in view of the fact that the FIR was registered in the year 2002 and the matter has come up for final hearing now in the year 2025 i.e. after 23 years and the accused-petitioner having already undergone more than 03 months of his substantive sentence, while upholding his conviction, his sentence be reduced to the period already undergone by him.



8. The learned counsel for the State, on the other hand, contends that the offence stands established beyond doubt. The accused was a habitual offender with one other case registered against him and as such, was not entitled to the concession as prayed for.

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

10. A perusal of the evidence on record would establish beyond doubt that the accused was found in possession of a stolen scooter for which he has rightly been convicted and his appeal dismissed.

11. Resultantly, no fault can be found with the well-reasoned judgments of the Trial Court dated 06.11.2008 and the Lower Appellate Court dated 01.10.2010. Therefore, the present petition stands dismissed.

12. As regards imposition of sentence, admittedly, the FIR was registered in the year 2002 and as many as 23 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. 03 months and 04 days. However, the sentence of fine and the sentence in default of payment of fine shall remain intact.

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

February 20, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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