



221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1684-2018
Date of Decision:07.05.2026

Vipin Kumar ...Petitioner

Vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Munish Behl, Advocate
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 05.04.2018, passed by the Court of Additional Sessions Judge, Gurugram, whereby, the appeal filed by the petitioner was ordered to be dismissed and the impugned judgment of conviction dated 27.11.2017 and order of sentence dated 28.11.2017, passed by the Court of Judicial Magistrate Ist Class, Gurugram, whereby the petitioner was ordered to be convicted for the offence punishable under Section 411 of IPC and was sentenced as under:-

Under Section 411 of IPC	R.I for a period of one year and to pay a fine of Rs.1000/-, in default of payment to further undergo SI for a period of 15 days.
--------------------------	---

2. The brief facts of the prosecution case is based on a complaint filed by Naveen Yadav- complainant, in which he stated that on 27.12.2015 at about 12.30 P.M. he had parked his car bearing no. HR-26- BE-9653, white-colour,



Accent Model 2010, Engine no. 283170, chasis no. 280089 at city court's outer road and went towards the street to his house for haing meal. After having meal, when he came after one hour, he found that his car was not present there. He had also kept Rs. 1 lakh inside the stolen car for purchasing of another vehicle. He tried at his own to find out the car but all in vain. On his complaint, present case was registered. The matter was investigated by HC Jitender. During investigation, statements of the witnesses were recorded and the site plan of the place of occurrence was prepared. Stolen car no. HR-26-BE-9653 was recovered from the house of accused Vipin on 29.12.2015 and also a disclosure statement was suffered by the accused in FIR No. 613/15 U/s 406 of IPC P.S. Kotwali , Faridabad for having committed the present occurrence. The production warrant of the accused were obtained on 13.1.2016 and accused was joined in investigation and formally arrested in the present case. His disclosure statement was recorded pursuant to which the place of occurrence was demarcated. One day police remand of the accused was obtained and from the possession of accused out of Rs. 1 lakh Rs.45,000/- and one I phone 5S was recovered along with the keys of the car. After completion of usual formalities of investigation, challan as per Section 173 of Criminal Procedure Code, 1973 (hereinafter to be referred as Cr.P.C.) was produced in the Court.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Section 411 of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 05 witnesses. PW-1 SI Yasin Khan, PW-2 Ct. Bhupender, PW-3 ASI



Jitender, PW-4 Ct. Shiv Kumar and PW-5 Naveen, complainant and thereafter, prosecution evidence was closed.

5. After the closure of the prosecution evidence, the statement of petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he has been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgments of conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. I have heard learned counsel for the parties and perused the record carefully; with their able assistance.

8. From the statements of various prosecution witnesses, it is apparent that the recovery of stolen car stood proved from the present petitioner and he could not justify the possession of the stolen car. Thus, the prosecution had proved the guilt of the petitioner and it was conclusively proved that he had committed the offence under Section 411 of IPC. Even otherwise, there is no irregularity, perversity and illegality in the impugned judgments of conviction passed by both the Courts and the same are ordered to be upheld.

9. Now, adverting to the order of quantum of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 27.12.2015 i.e. for the last more than 10 years. Even



though, the petitioner is stated to be involved in three more cases, but he was acquitted in all three cases. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 31.05.2018. Even as per the Custody Certificate, he has already undergone more than 02 months and 10 days of actual custody. Consequently, the order of sentence is modified to the extent that the sentence imposed on the petitioner is reduced to the period already undergone by him in the present case and the amount of fine will remain the same.

10. With the above modifications, the present revision petition is partly allowed and the impugned judgments of conviction are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine will remain the same.

11. The revision petition stands disposed of.

07.05.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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