

(2013) 08 P&H CK 0871

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 1739 of 2013 (O and M)

Malkeet Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Aug. 16, 2013

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 401
- Penal Code, 1860 (IPC) - Section 379, 382

Hon'ble Judges: Tej Pratap Singh Mann, J

Bench: Single Bench

Advocate: Shashi Kant Gupta, for the Appellant; Gurinderjit Singh, D.A.G., for the Respondent

Final Decision: Disposed Off

Judgement

Tej Pratap Singh Mann, J.

The petitioner, alongwith Jagbir Singh was tried for an offence u/s 382 IPC on the allegations of snatching the purse of complainant Sunderjit Kaur on 6.1.2007 at about 7.30 p.m. when she alongwith her sister Balwinder Kaur was going to the bazar on a rickshaw. Vide judgment and order dated 17.2.2010, learned Judicial Magistrate 1st Class, Amritsar convicted the petitioner and his co-accused for the aforementioned offence and sentenced them to undergo rigorous imprisonment for two years and to pay a fine of Rs. 2,000/- each and in default of payment of fine, to further undergo simple imprisonment for one month. Aggrieved of their conviction and sentence, the petitioner and his co-convict Jagbir Singh filed an appeal. Vide judgment dated 24.1.2013, learned Additional Sessions Judge altered the conviction of the petitioner and his co-convict from Section 382 IPC to Section 379 IPC and, accordingly, reduced their sentence of imprisonment by directing them to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 2,000/- each u/s 379 IPC and in default of payment of fine, to further undergo simple imprisonment for a period of one month. Being dissatisfied with his conviction and

sentence, as mentioned above, the petitioner filed the present revision u/s 401 Cr.P.C. which came up for preliminary hearing on 22.5.2013 when counsel for the petitioner did not press the revision on merits and restricted his prayer qua quantum of sentence only. Accordingly, notice was issued and the State stands duly represented.

2. Learned counsel for the petitioner has submitted that the petitioner has been facing the agony of criminal prosecution for the last 6 1/2 years. He is the sole bread winner of his family. He was 22 years of age at the time of the occurrence. Further, out of the sentence of one year imposed upon him, he has already undergone an actual period of about 7 months. Therefore, the remaining sentence of imprisonment of the petitioner be set aside.

3. Learned State counsel has vehemently opposed the prayer made on behalf of the petitioner by submitting that the petitioner and his co-accused were successful in snatching the purse of complainant Sunderjit Kaur and when both of them tried to run away from the spot on their motorcycle, their motorcycle slipped and they fell down. In the meantime, the people gathered there and caught hold of them. Therefore, no leniency be shown to them in the matter of sentence. The purse belonging to complainant Sunderjit Kaur was recovered from them. However, he has produced the custody certificate issued by Superintendent of Police (Jail), Central Jail, Amritsar, as per which the petitioner had undergone an actual period of 6 months and 8 days as on 26.7.2013, besides earning remissions of 20 days.

4. The aforementioned custody certificate having been issued on 26.7.2013 and a period of three weeks having elapsed since then, the petitioner must have undergone actual sentence of about 7 months. Under these circumstances, this Court is of the considered view that the ends of justice would be amply met if the sentence of imprisonment of the petitioner is reduced to that already undergone by him.

5. Resultantly, the conviction of the petitioner u/s 379 IPC is maintained. The substantive sentence of rigorous imprisonment for one year is reduced to that already undergone by the petitioner. The sentence of fine of Rs. 2,000/- is enhanced to Rs. 5,000/- and in default thereof, the petitioner shall undergo simple imprisonment for a period of three months. The revision is, accordingly, disposed of.