

CRLR No.204 of 2012

Hon'ble Sharad Kumar Sharma, J.

Mr. Shashi Kant Shandilya, Advocate for the revisionists.

Mr. P.S. Bohra, AGA for the State of Uttarakhand.

The revisionists have been convicted for commission of an offence under Section 379 to be read with Section 411 IPC, which has been registered against him at P.S. Jhabreda, District Haridwar and which on being tried by the court of Judicial Magistrate/Civil Judge (Jr. Div.), Roorkee District Haridwar, the revisionists have been convicted by the judgment dated 26.04.2011, there he directed to undergo a sentence of one year and six month of rigorous imprisonment for the offence under Section 379 IPC and a similar sentence was imposed for the offence under Section 411 IPC. The precise, allegation, which was leveled in the FIR as registered against the present revisionists was that he was said to have committed an offence of stealing a *bhaisa boggi* (i.e. a bullock cart) which was shown to be later on, recovered from him though the bull which was supposed to be often used is pulling the said cart was not found at the time when the *bhaisa boggi* was recovered at that time it was used by another person.

After having considered the evidence, which was taken into consideration by the learned trial court for the purposes of conviction of the present revisionists for the aforesaid offences, the court has held that the said stolen *bhaisa boggi* was shown to have recovered about three years back and later on, a complaint was registered for the aforesaid offence but since there was a recovery made of the said cart from the possession of the revisionists, they were sentenced as detailed herein above.

Looking to the gravity of allegations and the offence, which has been leveled against the revisionists and the seriousness, which it would have, this Court is of the view that while affirming the sentence as rendered by the court below, the same deserves to be modified and substituted by a penalty

of Rs.2,000/- for each offence, for each of the revisionists under Sections 379 and 411 IPC only. The aforesaid judgments impugned are only modified, only with to the said extent, that is the conviction order of serving the sentence for one and half years each is being modified with the deposition of the penalty as directed above. Consequently, while affirming the sentence, the same is modified to the said extent. The sureties, which the revisionists have extended for the purposes of availing bail as a consequence of the above directions the same would stand discharge.

Subject to the aforesaid observation, the criminal revision stands disposed of.

(Sharad Kumar Sharma, J.)

29.11.2019

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