

CNR No. HRAMB310010642022

CIS No.CHI/75/2022

State Vs. Chanderbhan @ Chanderpal @ Chinki
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**IN THE COURT OF AJAY KUMAR, HCS (JUDICIAL),
SPECIAL RAILWAY MAGISTRATE, HARYANA, AMBALA
CANTT (UID NO.HR0347).**

Crl. Case No. :- 75-1
Date of Instt:- :- 12.10.2022
Date of Decision :- 05.07.2023

State of Haryana Versus **Chanderbhan @ Chanderpal @
Chinki** son of Duli Chand,
resident of House No.4803/19,
Mochi Mandi, P.S. Parao, Ambala
Cantt. District Ambala.

----Accused.

FIR No. : 235 dated 05.09.2022.
Under Section : 379 of IPC.
Police Station : GRP Ambala Cantt.

Present:- Shri Vinay Kamal, APP for the State.
Accused **Chanderbhan @ Chanderpal @ Chinki** is on
bail, represented by Shri Vikas Aggarwal, Advocate.

JUDGMENT

The above named accused has been sent up by the SHO of
Police Station GRP, Ambala Cantt, to stand trial for the
commission of offence punishable under Section **379** of Indian Penal
Code, 1860.

2. Briefly stated, case of the prosecution is that on
05.09.2022, complainant was taking ticket for going to Rajpura at
railway station Ambala Cantt. In the meantime, one boy Chander Bhan

@ Chinki (complainant came to know his name later) committed theft of complainant's mobile phone from his pocket and fled the place. Complainant followed that boy by shouting thief-thief and due to that commotion, other passengers also followed the thief. Thereafter, thief was produced before police officials present near platform No.1, Railway Station Ambala Cantt. The aforesaid thief was searched by police officials in complainant's presence and a mobile phone marka Oppo colour sky was recovered from accused Chanderbhan's pocket. Complainant identified his mobile phone which was recovered from accused. Accused when was asked to open the lock by the police, he failed to unlock said mobile and disclosed that he had stolen the said mobile from the possession of complainant. At last, legal action has been prayed by the complainant. On the basis of these allegations, a formal FIR was registered. During investigation, accused was formally arrested. Statements of the witnesses were recorded under Section 161 of Cr.P.C. After completing of all other usual acts of investigation and interrogations, challan was prepared and sent to the Court for commencement of the trial against the accused.

3. Copy of challan and other documents were supplied to the accused free of costs as envisaged under Section 207 Cr.P.C.

4. On prima facie case being found against the accused, he was charge-sheeted vide order dated 03.01.2023, passed by the Court of Shri Vikram Jit Singh, the then learned SRM, Haryana, for the

commission of offence punishable under Section 379 of the Indian Penal Code, to which accused pleaded not guilty and claimed trial.

5. Today, when the case was fixed for prosecution evidence, accused expressed his desired to confess his guilt. The accused was informed about the consequences of making confession but he still wanted to voluntarily plead guilty. Confessional statement of accused recorded separately in this regard. The plea of guilty being voluntary in nature was accepted.

6. For the above said reasons, the accused is hereby **Convicted** for having committed the offence punishable **under Section 379** of Indian Penal Code. Let, the convict be heard on the quantum of sentence.

Pronounced in Daily Lok Adalat:
Dt. 05.07.2023

(Ajay Kumar)
Special Railway Magistrate
(Haryana) Ambala Cantt.

ORDER ON QUANTUM OF SENTENCE:

Present:- Shri Vinay Kamal, APP for the State.
Convict **Chanderbhan @ Chanderpai @ Chinki** is on bail, represented by Shri Vikas Aggarwal, Advocate.

Heard on the quantum of sentence. Ld. APP for State has contended that the convict be sentenced with the highest possible punishment so provided for the offence in the statute. On the other hand, convict prayed for taking a lenient view against him. He has stated that he is a poor person, having old aged parents to look after and

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he is the sole bread earner of his family. Keeping in view the age, antecedents, character and the socio-economic condition of the convict, he is hereby sentenced to undergo imprisonment equivalent to the time already undergone by him in the case. The convict has already undergone imprisonment from **06.09.2022 to 21.09.2022**, meaning thereby, he has already undergone the period herein before sentenced. Therefore, there is no need to prepare the jail warrants of convict **Chanderbhan @ Chanderpal @ Chinki. The convict be set at liberty at once.** File be consigned to record room after due compliance.

(Ajay Kumar),
Special Railway Magistrate,
Haryana at Ambala Cantt.
Dated: 05.07.2023
UID No. HR0347.

Note:- This Judgment and order on quantum contains **four** pages, which have been checked and signed by me.

(Ajay Kumar),
Special Railway Magistrate,
Haryana at Ambala Cantt.
Dt. 05.07.2023
UID No. HR 0347.

K.K. Chawla, SG-II