

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

Crl. Appeal S-842-SB of 1999
Date of Decision : February 04, 2015

Dhian Singh

.....Appellant

VERSUS

State (Union Territory, Chandigarh) and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Aman Pal, Advocate
for the appellant.

Mr. G.S.Chahal, Addl. Public Prosecutor
for UT-Chandigarh-respondent No.1

T.P.S. MANN, J. (Oral)

The appellant has filed the present appeal against the judgment and order dated 9/13.8.1999 passed by the Additional Sessions Judge, Chandigarh whereby he was convicted under Section 365 IPC and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs. 1,000/- and in default of payment of fine, to suffer further rigorous imprisonment for six months.

The appellant was tried for the offences under Sections 365, 366, 380 and 376 IPC. Vide impugned judgment, the trial Court acquitted him for the offences under Sections 366, 376 and 380 IPC and convicted and sentenced him, as mentioned above.

Learned counsel for the appellant has not challenged the impugned judgment of conviction passed by the trial Court. However, he has submitted that the appellant is facing the agony of criminal prosecution for the last more than fifteen years. He is the only bread winner of his family which consists of his wife and four children. Out of the sentence of three years imposed upon him, the appellant has already undergone a period of about two years. He is presently on bail pursuant to order dated 7.9.1999 passed by this Court while admitting the appeal. Ever since then, the appellant has not misused the concession. Prayer has, accordingly, been made for remitting the remaining sentence of imprisonment imposed upon him.

Learned Additional Public Prosecutor for UT, Chandigarh has opposed the prayer made on behalf of the appellant by submitting that the appellant had abducted the husband of the complainant and, thereafter, confined him secretly in CIA Staff.

Having heard learned counsel for the parties and taking into consideration the totality of the circumstances, this Court is of the considered view that the appellant need not be sent behind the bars, once again, to undergo the remaining sentence of imprisonment imposed upon him. Ends of justice would be amply met by reducing the sentence of imprisonment imposed upon the appellant to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 365 IPC is maintained. His substantive sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine alongwith its default clause is maintained.

The appeal is, accordingly, disposed of.

February 04, 2015
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(T.P.S. MANN)
JUDGE