

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

CRA-S No.1333-SB of 2004

Date of decision: 2nd September, 2015

Birbal @ Mannu

... Appellant

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sudhir Sharma, Advocate
for the appellant.

Mr. Munish Sharma, Asstt. Advocate General, Haryana.

FATEH DEEP SINGH, J.

The appellant, who at the relevant time was a juvenile, was tried by the Juvenile Justice Board, Sonapat in case registered by way of FIR No.52 dated 05.06.2002 under Sections 363/354/376/306/511 IPC at Police Station Sadar Gohana and through judgment dated 14.06.2004 was held guilty for commission of offences under Sections 354/306 IPC and was sentenced under Section 16 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as, 'the Act') for two years. Against these findings, the appellant has come up in this appeal.

Heard Mr. Sudhir Sharma, Advocate representing the appellant; Mr. Munish Sharma, Asstt. Advocate General, Haryana on behalf of the respondent/State and perused the records of the case.

In brief allegations stems from the statement of Santro made on 05.06.2002 that her elder daughter Manju aged around 15 years was alone at home while other family members were away and around 6 p.m. it came to the knowledge of the complainant that Manju has set herself on fire and on rushing back Manju told her mother as well as Dhanpati PW that Birbal had come to their house and asked Manju that her mother was calling her and on that pretext took her to his house and forcibly ravaged her and after rescuing herself she came and due to this insult she had sprinkled kerosene oil and set herself on fire.

Prosecution examined PW1 Krishan Kumar, PW2 Inderpal, PW3 Angrej Singh, PW4 Santro-complainant, PW5 Ishwar, PW6 Constable Rajbir Singh, PW7 ASI Ishwar Singh, PW8 Constable Dal Singh, PW9 HC Raj Kumar, PW10 Dr.Karamvir, PW11 Smt.Kumud Gugnani, again PW11 HC Ashok Kumar, PW12 Dr. Raman Sukhla, PW13 ASI Ram Sarup, PW14 HC Daya Nand.

Accused denied the allegations and examined in his defence DW1 Rattan Singh and tendered documents Ex.D1 to Ex.D3. It is thereafter, the impugned judgment stood pronounced.

The lone contention that is sought to be raised on behalf of the appellant is that he was arrested on 09.06.2002 and was in

custody till 15.06.2004 and thus, has already undergone the sentence so awarded to him, and which arguments have not been controverted by learned State counsel.

The appellant at the time of commission of offence was admittedly a juvenile and the learned trial Court has awarded sentence keeping in view his juvenility in terms of Section 16 of the Act which period the appellant has already undergone and that in the light of the prayer of the appellant's counsel and the fact that the period has already expired, the present appeal is disposed off in those terms thus, ordering the sentence having already undergone by the appellant. Records be sent back.

(FATEH DEEP SINGH)
JUDGE

September 2, 2015
rps