

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

1. CRA-S-141-SB of 2004

Rajiv @ Kala

....Appellant

Versus

State of Haryana

...Respondents

2. CRA-S-142-SB of 2004

Bijender @ Bhola

....Appellant

Versus

State of Haryana

...Respondents

Date of Decision : 01.04.2015

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr.B.P.S.Randhawa, Legal Aid counsel for the appellants

Mr. P.S.Chauhan, Addl. AG, Haryana with
Mr. Himmat Singh, AAG, Haryana

MAHESH GROVER, J.

This order will dispose of two appeals bearing nos. CRA-S-141-SB of 2004 and CRA-S-142-SB of 2004.

The appellants namely Rajiv @ Kala and Bijender @ Bhola

have filed these appeals against the order dated 15.11.2003 convicting them under the provisions of Section 412 IPC and sentencing them to RI for a period of 4 years and to pay a fine of Rs.3,000/-each in default of which they were required to undergo RI for another period of six months.

These appeals were filed through a counsel who has not cared to appear despite the case having been shown in the warning list and having been called. On 11.3.2015 Mr. Babbar Bhan, Advocate appeared on behalf of the appellants to plead no instructions.

Noticing the aforesaid facts and the fact that the appeal is of the year 2004, Mr. B.P.S.Randhawa, Advocate was appointed as Legal Aid counsel to assist this Court on behalf of the appellants in both the appeals.

It has been stated by the Sh.Randhawa that he does not want to press the issue on merits and confines his prayer to reduce the sentence of the appellants to that of already undergone. He has stated that appellant namely Rajiv @ Kala has already undergone imprisonment for a period of 3 years 5 months and 29 days whereas appellant namely Bijender @ Bhola has already undergone imprisonment for a period of 3 years 6 months and 10 days out of the total substantive sentence of 4 years awarded to them.

Noticing the aforesaid facts and the fact that the appellants have been convicted under Section 412 IPC while exonerating them from other serious charges of 392, 397, 216-A, 467, 468, 471, 120-B, 395, 201 IPC and Section 25 Arms Act and also the fact that both the appellants were in their twenties at the time of facing the trial which was in the year 2002 and 13 years having been passed thereafter, I am of the opinion that no useful purpose would be served by keeping the appellants in custody any further as most of the punishment they have already undergone. Both the

appeals are thus disposed of by reducing the sentence of the appellants to that of already undergone by them.

Disposed of.

April 01, 2015
rekha

(MAHESH GROVER)
JUDGE