

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

CRA-S-171-SB of 2004 (O&M)
Date of decision:18.02.2015

Ajaib Singh

... Appellant

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA

Present: Mr.Taphish Gupta, Advocate
for Ms.Puja Chopra, Advocate
for the appellant.

Ms. Munisha Gandhi, Addl. Advocate General, Punjab.

ASHUTOSH MOHUNTA, J. (Oral)

The appellant-Ajaib Singh has filed this appeal being aggrieved by the judgment of conviction and order of sentence dated 11.12.2003 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Patiala vide which the appellant was convicted under Section 304 IPC and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.5,000/- and in default of payment of fine to further undergo rigorous imprisonment for two years.

At the outset, counsel for the State has placed on record the jail custody certificate of the appellant which shows that the appellant has undergone an actual sentence of 5 years, 11 months and

28 days and has also earned remission of 4 years and thus, the total period of custody including remission comes to 9 years, 11 months and 28 days. In other words, the appellant has undergone the entire sentence as imposed upon him by the trial Court.

Mr. Tapish Gupta, counsel for the appellant submits that as the appellant has undergone the entire sentence, therefore, the appeal be dismissed as having become infructuous.

After hearing the learned counsel for the appellant and perusing the jail custody certificate of the appellant-Ajaib Singh, I uphold the conviction of the appellant under Section 304-B IPC and dismiss the appeal as having become infructuous as the appellant has undergone the entire period of sentence as imposed by the trial Court. The appellant has already paid the fine, hence, the entire sentence has already been completed.

Accordingly, the appeal stands dismissed as infructuous.

(ASHUTOSH MOHUNTA)
JUDGE

18.02.2015

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