

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1285-SB of 2005 (O&M)
Date of Decision: 1.4.2015

Rakesh Kumar alias Kana and others

....Appellants

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Nitin Jain, Advocate, Amicus Curiae for the appellants.

Ms. Tanushree Gupta, DAG, Haryana for the respondent.

NAVITA SINGH, J.

1. Custody certificate of appellant Rakesh Kumar, submitted today, shows that he was released on 7.1.2012 after completion of sentence. The appeal filed by him has, therefore, become infructuous and is accordingly dismissed.

2. Appeal filed by Mustaq and Shamsu was earlier dismissed as infructuous.

3. We are now left with appellant Yogesh alone.

4. Counsel for the said appellant submits that as per the custody certificate filed today, the actual sentence undergone by the appellant was 6 years, 9 months and 25 days and the total period including remissions was 7 years, 9 months and 6 days.

5. However, his appeal has not become infructuous as he did not complete the sentence and was granted bail on 3.11.2008.

6. Counsel further submitted that the co-convicts completed the sentence because they did not apply for its suspension at any time as they did not engage a counsel. In the present appeal, he was appointed as Amicus Curiae for Yogesh as well.

7. Lastly it is submitted on behalf of appellant Yogesh that the appeal is not pressed on merits and the request is for reducing the sentence to the period already spent in custody by him.

8. The appellant was sentenced to imprisonment for 10 years besides fine. Out of the substantive sentence, he has undergone 7 years, 9 months and 6 days as per the custody certificate dated 31.3.2015.

9. The appellant was facing trial since 14.2.2004 which is more than 11 years by now and he also remained in custody for almost 8 years.

10. The request made by counsel for the appellant is, therefore, accepted. The appeal regarding conviction is dismissed whereas the sentence of imprisonment awarded to appellant Yogesh is reduced to the period already spent by him in custody.

11. The appeal stands disposed of accordingly.

(NAVITA SINGH)
JUDGE

1.4.2015
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