

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S No.8-SB of 2004 (O&M)
Date of Decision: 25.03.2015

Basir Masih

...Appellant(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

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

Mr. S.S. Pannu, D.A.G. Haryana.

ANITA CHAUDHRY, J.

1. This appeal has been preferred against the judgment dated 28.02.2003, passed by the Addl. Sessions Judge, Hisar, whereby the appellant was convicted for commission of offence under Sections 395, 397, 307 read with Section 149, 342 and 332 of Indian Penal Code. He was sentenced to undergo the following punishment:-

Under Section	Rigorous imprisonment	Fine	In default of payment of fine further imprisonment
395 IPC	7 years	1000/-	2 months
397 IPC	7 years	-	-
307 IPC	8 years	1000/-	2 months
342 IPC	1 year	-	-
332 IPC	2 years	-	-

2. On last date of hearing, learned counsel for the

appellant has confined his prayer to the limited question of sentence.

3. I have heard learned counsel for the appellant as well as learned State counsel appearing for the State of Haryana.

4. The counsel for the appellant contends that the appellant had faced a protracted trial for the last more than 22 years as the incident is of October, 1993 and the appellant had remained in custody for over 4 years, 9 months and 02 days and the sentence be reduced to the period already undergone.

5. The State counsel has opposed the prayer and submits that the Court below has already taken a lenient view and no leniency should be shown to the appellant.

6. As the prayer made by the appellant is restricted only to the sentence, therefore, the finding recorded by the Court below convicting the appellant is affirmed.

As regards the prayer of reduction of sentence is concerned, the occurrence took place on 14.10.1993. The appellant was convicted by the trial Court vide judgment dated 28.02.2003. He remained in custody for almost five years. He has faced protracted trial for about 22 years. Keeping the entire conspectus into view, I feel that ends of justice would be met if the sentence awarded to the appellant is reduced to the period already undergone. There would be no modification in the fine.

With the above modification alone, the appeal

stands disposed of.

(ANITA CHAUDHRY)
JUDGE

25.03.2015
'Sunil Sehgal'