

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

Crl. Appeal S-1982-SB of 2010
Date of Decision : November 04, 2015

Raju Saini

.....Appellant

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Ms. Monika Jalota, Advocate
for the appellant.

Mr. Dhruv Dayal, Deputy A.G., Haryana.

T.P.S. MANN, J. (Oral)

The appellant was tried for committing an offence punishable under Section 376 IPC on the allegations that on 10.3.2008, he had committed rape upon complainant's daughter. Vide judgment and order dated 22.7.2009, learned Sessions Judge, Gurgaon, acquitted him of the charge under Section 376 IPC. Instead, he was convicted under Section 354 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.40,000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one year. He was also convicted under Section 323 IPC and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month. Both the substantive sentences of imprisonment were ordered to

run concurrently. The period for which the appellant remained in custody during the investigation and trial of the case was ordered to be set off against the substantive sentences awarded to him.

Aggrieved of his conviction and sentences, the appellant filed the appeal, which came to be admitted on 24.8.2010. Prayer made by him for suspension of sentence of imprisonment was allowed on 30.11.2010. However, it was observed that the State may take necessary steps to recover the amount of fine and in case the said amount was recovered, it be paid as compensation to the parents of the prosecutrix.

As per the custody certificate produced by the State counsel, the appellant completed his substantive sentences of imprisonment on 29.1.2010. As he could not deposit the fine of Rs.41,000/-, he was required to undergo another period of one year and one month and on 28.2.2011, he was released from the jail on expiry of the sentence of imprisonment imposed upon him in lieu of the sentence of fine.

Once the appellant has already undergone the entire substantive sentences of imprisonment and also undergone the sentence imposed upon him in lieu of the sentence of fine, the appeal has been rendered infructuous and, the same is, accordingly, disposed of.

November 04, 2015
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(T.P.S. MANN)
JUDGE