

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2851-SB-2010
Date of decision: 28.07.2015

Puran Singh

...Appellant

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present : Mr. Raman Mohinder Sharma, Advocate for the appellant.

Mr. Surjeet Singh Chaudhary, DAG, Punjab.

Raj Rahul Garg, J.

Appellant-Puran Singh assailed the judgment of conviction dated 26.02.2010 and order of sentence of even date, rendered by Ms. Rupinderjit Chahal, the then Additional Sessions Judge, Patiala, whereby the appellant was convicted for committing offence punishable under Section 376 IPC and sentenced to undergo RI for 8 years and to pay a fine of Rs. 5000/- and in default of payment of fine to further undergo RI for one month.

At the very outset, learned counsel for the appellant-accused contended that the appellant was sentence for a period of 8 years, whereas he has already completed the period of sentence as is evident from his custody certificate. Under these circumstances, he does not contest the findings of the learned trial court recorded on the merits of the case.

Since learned counsel for the appellant does not contest findings of the learned trial court on merits, therefore, I need not mention the facts of

the case in detail. Briefly, as per prosecution on 09.11.2008 at 7.30 PM her neighbour Puran Singh aged 35-36 years (appellant), who is a resident of Cheema Colony, Block No. 1, Patiala and was already keeping an evil eye on her, entered her house. After bolting the main gate from inside, he came to the room where she was lying on account of her illness. He started using force upon her. When she stopped him from doing so, he caught hold of her in his arms. She tried to save herself from his clutches and gave pushes and raised alarm. However, he committed rape on her by opening the string of her Salwar. At about 8.00 PM, her mother Malti Devi and Santosh Kumar came outside the house and finding the main gate of the house bolted from inside, her mother asked Santosh Kumar to enter into the house after scaling the wall. He did accordingly and opened the gate from inside and then both of them came inside the room where Puran Singh was committing rape on her. On seeing her mother and Santosh Kumar, accused Puran Singh had run away after pushing them aside. She narrated the whole incident to her mother. Her condition deteriorated. Her father was out of station. They waited for him. As such, in the morning, she and her mother narrated the whole incident to her father. On the statement of prosecutrix, Ex. PA, the case was registered and investigations were conducted. Prosecutrix was got medico-legally examined.

On 20.11.2008, appellant-accused surrendered in the court. The blood samples of complainant as well that of accused-appellant were sent to the office of Medical Examiner for analysis. After obtaining DNA report, Ex. PX, the case was presented in the court.

I have heard Mr. Raman Mohinder Sharma, Advocate for Puran

Singh appellant-accused; and Mr. Surjeet Singh Chaudhary, Deputy Advocate General, Punjab for the state of Punjab besides appraising the entire material coming on record.

Learned counsel for the appellant-accused contended that the appellant-accused has already undergone 8 years of sentence. He has already deposited the fine of Rs. 5000/- as well. Since the appellant-accused has completed his sentence, therefore, he does not contest the judgment of conviction recorded against him and prayed that the matter be disposed of accordingly.

As the learned counsel for the appellant-accused did not contest the findings of learned trial court whereby conviction of appellant was recorded and order of sentence was passed and further as the appellant-accused has already undergone the period of sentence, therefore, learned state counsel also did not contest the contention of learned counsel for the appellant and prayed for disposal of the matter in accordance with law.

Vide order on sentence dated 26.02.2010, appellant-accused was sentenced to undergo RI for 8 years and to pay a fine of Rs. 5000/- and in default of payment of fine to further undergo RI for one month. As per custody certificate, placed on file by the learned state counsel, it is evident that the total custody period of accused-appellant including remissions is 8 years and 1 day. Note appended to this custody certificate further shows that he has deposited fine amount at Jail Gate on 15.02.2014.

Under these circumstances, when the appellant has already completed his sentence and further as the counsel for the accused-appellant did not choose to contest the judgment of conviction and order on sentence,

recorded by the learned trial court on merits of the case, therefore, I have no hesitation in affirming the same. Accordingly, the judgment of conviction and order on sentence dated 26.02.2010 are maintained and this appeal stands disposed of accordingly.

(RAJ RAHUL GARG)
JUDGE

28.07.2015

Waseem