

CRA-S-2719-SB-2012

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

CRA-S-2719-SB-2012

Date of Decision: 06.05.2015

Mohammad Mijan

... Appellant (s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Tarundeep Kumar, Advocate,
legal aid counsel, for the appellant.

Mr. Naveen Sheoran, DAG, Haryana.

Paramjeet Singh, J.

Present criminal appeal has been preferred by the appellant against judgment of conviction dated 26.03.2010 and order of sentence dated 29.03.2010 passed by learned Additional Sessions Judge, Gurgaon whereby appellant has been convicted and sentenced as under:

<i>Conviction</i>	<i>Sentence</i>
u/S 395 read with Section 397 IPC	R.I. for 10 years and fine of ₹3,000/-, in default of payment of fine, R.I. for six months.
u/S 412 IPC	R.I. for 7 years and fine of ₹2,000/-, in default of payment of fine, R.I. for four months.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned

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Court below and in view of the ultimate prayer of the appellant seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the appellant states that he is not pressing this appeal on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. Learned counsel for the appellant prays that sentence of the appellant be suitably reduced as this criminal trial is hanging on his head like Damocle's sword for more than 7½ years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the appellant has further submitted that FIR relates to the year 2007 and since then a period of more than 7½ years has elapsed. The appellant has suffered the ordeal of trial for this long period. Learned counsel for the appellant submits that appellant has already undergone actual imprisonment for more than seven years.

In view of the arguments advanced by learned counsel for the appellant, this Court is of the view that no useful purpose will be served by keeping the appellant behind the bars as the appellant had already faced ordeal for more than 7½ years. It is a fit case wherein sentence awarded to the appellant can be reduced to already undergone. Ordered accordingly. The impugned order of sentence and conviction stands affirmed with aforesaid modification. The appellant, who is stated to be in judicial custody, shall be released forthwith, if not

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required in any other case. However, if the amount of fine is not paid, appellant will have to undergo default imprisonment as awarded by the trial Court.

With the observations made above, present appeal is disposed of.

06.05.2015
parveen kumar

(Paramjeet Singh)
Judge