

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M- 15099 of 2015 (O&M)
Date of decision:30.07.2015

Amit Kumar @ Munna

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Vaibhav Jain, Advocate for the petitioner.

Navita Singh, J. (Oral)

CRM No.23393 of 2015

Application is allowed. Documents are taken on record as Annexures P.3 to P.6.

Crl. Misc. No. M-15099 of 2015

The petitioner had earlier filed revision petition for challenging the order of conviction passed against him regarding the offence under Section 174-A IPC. However, the said petition was later on withdrawn. It is submitted that the Bench where that petition was pending had observed that the petitioner should challenge the basic order vide which he was declared proclaimed offender. Thereafter, he filed the present petition.

The petitioner, though was acquitted in the main case in which he had earlier been declared proclaimed offender, was arrested and tried for offence punishable under Section 174-A IPC for which he was convicted and sentenced. He is in custody since February, 2015 as stated.

So far as the proceedings relating to declaring the petitioner a proclaimed offender are concerned, those were in relation to FIR No.263 dated 17.6.2011 registered under Sections 323/452/147/148 IPC at Police

Station Sadar, Bhiwani. Copy of zimni orders are on record according to which on an application moved by the prosecution, the petitioner was summoned through warrant of arrest. The warrant was, however, not executed and after two dates, an application was moved by the prosecution for initiating proceedings under Section 82 Cr.P.C. The said application was allowed and after completion of the proceedings, the petitioner was declared proclaimed offender.

In this petition, the petitioner has categorically pleaded that he had no knowledge about any criminal case pending against him. He did not receive any notice nor any one went to his house to arrest him. No proclamation was made nor any notice was pasted as alleged.

Even otherwise, it is felt that the petitioner has undergone sufficient punishment on account of the conviction and sentence for the offence under Section 174-A IPC and he has spent more than 5 months in custody on account of that.

If the matter had been here regarding challenge of the conviction and sentence, the appropriate order would be to restrict the period of sentence to the period already spent in custody. Since the revision petition qua that stands withdrawn, it is felt that the prayer made in the present petition should be allowed specially in view of the fact that the petitioner was ultimately acquitted in that case on merits. The petition is allowed and impugned order dated 30.11.2011 is hereby quashed.

30.07.2015
renu

(NAVITA SINGH)
JUDGE