

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No. S-2032-SB of 2003
Date of Decision : February 18,2015

Bhupinder Singh

.....Appellant

VERSUS

State of Punjab

.....Respondent

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

Present : Mr. Vipul Aggarwal, Advocate

Mr. R.S. Randhawa, Additional A.G., Punjab.

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

The appellant, alongwith his father Puran Singh, was tried on the allegations that while in an inebriated condition the appellant threatened to kill his wife Saroj and after dousing her with kerosene set her ablaze. While the appellant was charged under Section 302 IPC, Puran Singh was charged under Sections 302/34 IPC. Vide impugned judgment and order dated 18.9.2003, the Additional Sessions Judge (Ad hoc), Amritsar acquitted Puran Singh of the charge against him. The appellant was also acquitted under Section 302 IPC. Instead, he was convicted under Section 304(1) IPC and sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.2,000/- and in default of payment of fine, to undergo rigorous imprisonment for two months.

Learned counsel for the appellant has not challenged

the impugned judgment of conviction passed by the trial Court. However, he has submitted that the appellant has been facing the agony of criminal prosecution for the last 14½ years. Out of the sentence of 10 years imposed upon him, the appellant has already undergone a period of more than three years. It has also been submitted that though Saroj was getting treatment from the doctor but after a period of about 20 days, she was got discharged by her parents and, that too, against medical advise. A month later, she expired at the house of her parents. It has also been submitted that the appellant is presently on bail pursuant to order dated 15.12.2003. There is no allegation that the appellant has misused the concession in any manner. Prayer has, accordingly, been made for setting aside the remaining sentence of imprisonment imposed upon the appellant.

Learned State counsel has opposed the prayer by submitting that it was the appellant, who, after threatening his wife Saroj, doused her with kerosene and, thereafter, set her ablaze. Due to the burns received by her, she had died subsequently. Learned State counsel has, however, produced the custody certificate, as per which the appellant has already undergone an actual period of three years, three months and fifteen days, besides earning remissions of eight days. It is also not indicated in the custody certificate that the appellant is involved in any other case.

Taking into consideration the totality of the circumstances, this Court is of the considered view that no useful purpose would be served by sending the appellant behind the bars, once again, so as to undergo the remaining sentence of imprisonment imposed upon him. Ends of justice would be amply met if his remaining sentence of imprisonment is set set aside.

Resultantly, the conviction of the appellant under Section 304(1) IPC is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. However, the sentence of fine, alongwith its default clause, is maintained.

The appeal is, accordingly, disposed of.

February 18, 2015
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(T.P.S. MANN)
JUDGE