

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

**Criminal Revision No.1706 of 2005 (O & M)
Date of Decision:-18.11.2015**

Ranjan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Desh Bandhu, AAG Haryana.

HARI PAL VERMA J.(Oral)

Petitioner has filed the present revision petition against the judgment dated 30.8.2005 passed by the Additional Sessions Judge, Sirsa, whereby his appeal against the judgment of conviction and sentence dated 11.10.2001, passed by Judicial Magistrate 1st Class, Sirsa, was dismissed.

Vide judgment dated 11.10.2001, learned Magistrate has convicted the petitioner for the offence punishable under Sections 457/511 IPC and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- for the offence

punishable under Section 457 IPC and further sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- for the offence punishable under Section 511 IPC. In case of default of payment of fine, the petitioner was further required to undergo imprisonment for three months but both the sentences were ordered to run concurrently.

The petitioner had preferred an appeal against the judgment of conviction and sentence dated 11.10.2001, however, learned Additional Sessions Judge, Sirsa vide judgment dated 30.8.2005 dismissed the appeal and the petitioner was taken into custody.

Learned counsel for the petitioner submits that the petitioner has already deposited the fine and he confine his arguments only on the point of quantum of sentence. The petitioner is suffering the agony of trial since 6.8.1996 i.e. the date when the FIR was registered. He does not possess any criminal record, rather he belongs to a poor family and the FIR in question was registered as there was a dispute between petitioner and the complainant. Against the awarded sentence, he remained in custody for more than three months.

On the other hand, learned State counsel submits that the petitioner was charged and convicted for offence punishable under Section 457 IPC and the trial Court has considered the gravity of offence and has accordingly awarded the sentence. However, he does not dispute the custody period of the petitioner.

Heard.

The custody certificate filed by learned State counsel is taken on record. The fact that the petitioner is not involved in any other case, is

duly established from the custody certificate/affidavit furnished by the Superintendent of Jail, Sirsa. The custody period of the petitioner is also not in dispute. The petitioner was released on bail by this Court vide order dated 26.9.2005 and it is on account of poverty, he could be released only on 21.10.2005 as he could not arrange for the sureties.

Taking into consideration the fact that the only allegation against the petitioner is under Section 457 IPC and he has not committed any theft, coupled with the fact that the petitioner is suffering agony of trial since the year 1996, this Court, while affirming the conviction, reduced the sentence of the petitioner to the period already undergone.

With the aforesaid modification the present revision petition is disposed of.

November 18, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE