

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

Crl. Appeal S-2200-SB of 2003

Date of Decision : April 01, 2015

Devender

.....Appellant

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. Sachin Luthra, Advocate for
Mr. Sameer Sachdeva, Advocate

Mr. Randhir Singh, Addl. A.G. Haryana

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

The appellant was tried for committing the offence punishable under Section 307 IPC on the allegations that at about midnight of 8.9.2000, he had given three gadasa blows to complainant-Bhal Singh with an intent to kill him. Vide impugned judgment and order dated 7/11.8.2013, the Additional Sessions Judge (Ad-hoc), Hisar convicted him for the aforementioned offence and sentenced him to undergo rigorous imprisonment for seven years and to pay a fine of Rs. 1,000/- and in default of payment of fine, to suffer further rigorous imprisonment for one year.

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 is facing the agony of criminal

prosecution for the last 14½ years. He is not a previous convict and there is none in his family, who can earn daily bread. Apart from the same, it is submitted that out of the sentence of seven years imposed upon him, the applicant has already undergone an actual sentence of more than five years. Besides, he has earned remissions also. Prayer has, accordingly, been made for setting aside the remaining sentence of imprisonment imposed upon the appellant.

Learned State counsel has opposed the prayer made on behalf of the appellant by submitting that the sentence of imprisonment awarded to the appellant is commensurate with the act of the appellant in causing three blows on the person of the complainant by using a gadasa. He has, however, produced the custody certificate, as per which the applicant has undergone an actual sentence of five years, one month and two days. Besides, he has earned remissions of ten months and twenty seven days. In all, he has served a period of five years, eleven months and twenty nine days.

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 remaining sentence of imprisonment imposed upon him. Ends of justice would be amply met if the substantive sentence of imprisonment imposed upon the appellant by the trial Court is

reduced to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 307 IPC is maintained. However, his substantive sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine alongwith its default clause is maintained.

The appeal is, accordingly, disposed of.

April 01, 2015
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(T.P.S. MANN)
JUDGE