

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRR-306-2013

Date of decision : 28.01.2015

Devender Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Kanwar Satbir Singh, Advocate
for the appellant.

Mr.Rajesh Gaur, Addl. A. G.Haryana.

REKHA MITTAL, J.

Through the present petition, the petitioner has challenged his conviction and sentence for commission of offence punishable under Sections 193, 420, 467, 468, 471 of the Indian Penal Code (in short 'IPC').

On October 06, 2014, counsel for the petitioner confined his prayer only to the quantum of sentence.

Counsel for the petitioner contends that the petitioner is in custody since 15.04.2013 in the present case and, therefore, he has suffered actual custody for a period of about two years. It is further submitted that in view of nature of allegations coupled with the factum that he has suffered trauma of criminal proceedings for the past more than six years, the substantive sentence awarded to him for the aforesaid offences, ordered to run concurrently, may be reduced to the period already undergone.

Counsel for the State has opposed the prayer with the

submissions that a large number of cases referred to in the custody certificate stand registered against the petitioner, therefore, there are no mitigating circumstances in his favour.

I have heard counsel for the parties and perused the records.

The criminal proceedings had been initiated against the petitioner with the lodging of FIR No.246 dated 03.07.2008. After completion of his sentence in FIR No.245 dated 03.07.2008, his sentence in the present case started w.e.f. 15.04.2013. There are other criminal cases registered against the petitioner referred to in the custody certificate. However, keeping in view the nature of allegations against the petitioner, I am of the considered opinion that interest of justice would be served if substantive sentence awarded to the petitioner for offence under Section 467, 468 IPC is reduced to rigorous imprisonment for a period of 2½ years. The sentence awarded for other offences and sentence of fine for all the offences along with default stipulation shall remain intact.

The petition stands disposed of with modification in the aforesaid terms.

(REKHA MITTAL)
JUDGE

January 28, 2015.

DK