

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3342 of 2015 (O&M)****Date of Decision: September 29, 2015**

Ashok Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ramesh Sharma, Advocate
for the petitioner.

Mr.Brijesh Sharma and Mr.Arun Kumar, AAG, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ashok Kumar against State of Haryana, challenging the impugned judgment of conviction dated 02.06.2014 and order of sentence dated 03.06.2014 passed by learned Judicial Magistrate Ist Class, Rohtak, vide which the petitioner was convicted under Section 193 IPC and sentenced to undergo simple imprisonment for a period of one year and to pay fine of ₹5000/- and in default of payment of fine to further undergo simple imprisonment for a period of six months and also challenging the judgment dated 31.08.2015 passed by learned Addl. Sessions Judge, Rohtak, vide which appeal filed by petitioner was dismissed but the sentence was reduced to simple imprisonment for a

period of six months.

The brief facts of the case are that the petitioner Ashok Kumar had filed an application No.361 dated 10.10.2009 for transfer of his case titled 'Ashok vs. Vishwa Mitter'. He had also filed a sworn affidavit supporting his application dated 10.10.2009. In this application, the accused had levelled allegations that the Reader of the Court of ACJ(SD) Rohtak had demanded ₹1,50,000/- from him and threatened him that the case will be decided against him. He further alleged that judge was very eager to decide the case so as to swallow the amount and did not give him opportunity to file appeal against the order dated 09.10.2009. Upon receiving the comments, it is held that accused has levelled defamatory and false allegations against the Addl. Civil Judge (Senior Division) and has no concern with the accused. Learned District Judge, Rohtak ordered initiation of proceedings under section 193/340 IPC. The accused-petitioner was arrested.

Learned JMJC, Rohtak, convicted the accused under Section 193 IPC and sentenced him as stated above. An appeal was filed by the accused-petitioner and learned Addl. Sessions Judge, Rohtak, vide judgment dated 31.08.2015 dismissed the appeal with the modification of the sentence and the sentence of the petitioner was reduced to simple imprisonment for a period of six months.

Aggrieved from the above-said judgment, present revision petition has been filed.

At the time of arguments, learned counsel for the petitioner

has not contested regarding conviction of the appellant and only argued on the quantum of sentence. He argued that for the last five years, the revision petitioner is suffering from criminal trial and he is in custody since 31.08.2015 when the appeal filed by the petitioner was dismissed by learned Addl. Sessions Judge, Rohtak.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offence and the fact that the petitioner is suffering from long protracted criminal trial since 28.11.2010 and in view of the fact that petitioner is already in custody since 31.08.2015 i.e. for about one month, the present revision petition is partly accepted and the sentence of the petitioner is reduced to the period he has already undergone. Petitioner Ashok Kumar, who is in custody, be released forthwith if his custody is not required in connection with any other case, subject to payment of fine, if already not paid.

September 29, 2015
Vgulati

(INDERJIT SINGH)
JUDGE