

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

CRR No.4099 of 2015 (O&M).
Decided on:-24.12.2015.

Satish Kumar @ Happy.

.....Petitioner.

Versus

State of Punjab.

.....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:- Ms. Divya Sharma, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.

Aggrieved against the judgment dated 4.9.2015 passed by learned Sessions Judge, Pathankot whereby appeal against the judgment and order dated 10.4.2015 passed by learned Additional Chief Judicial Magistrate, Pathankot was dismissed, the petitioner has filed the present petition.

Briefly stated, an FIR No.134 dated 9.11.2011 under Sections 326 and 324 IPC was registered at Police Station, Sujampur against the petitioner-accused and he was made to face trial for the said offences.

However, learned trial Court vide judgment dated 10.4.2015 convicted the petitioner for an offence under Section 324 IPC and vide separate order of that date, sentenced him to undergo rigorous imprisonment for a period of two years and a fine of Rs.100/-. In default of payment of fine, the petitioner was further required to undergo rigorous imprisonment for a period of 30 days.

Against the verdict of the trial Court, the petitioner preferred an appeal, but the same was dismissed by learned Sessions Judge, Pathankot vide judgment dated 4.9.2015.

As learned counsel for the petitioner-accused had confined his arguments qua the quantum of sentence, therefore, this Court vide order dated October 28, 2015 had issued notice regarding quantum of sentence only.

Learned counsel for the petitioner has contended that as against the awarded sentence of two years, the petitioner is in custody for the last more than 9 months including remission. His actual custody is 8 months and 21 days. He has further contended that the petitioner has small children to look after and is first time offender. There is no other case against him. He has, therefore, prayed that the sentence of the petitioner may be reduced to the period already undergone by him.

Learned State counsel has filed the custody certificate of the petitioner-accused. The same is taken on record. Learned State counsel has

not controverted the factum of custody of the petitioner.

I have heard learned counsel for the parties.

There is no dispute regarding the custody of the petitioner. As against the awarded sentence of two years for offence under Section 324 IPC, the petitioner is in custody for the last more than 9 months and there is no other case against him. Since the petitioner has confined his argument regarding quantum of sentence with the prayer that sentence of the petitioner may be reduced to the period already undergone by him, this Court accepts prayer of learned counsel for the petitioner.

Admittedly, the FIR in question was registered on 9.11.2011 and the petitioner has been suffering the agony of trial for the last more than four years. The prayer of the petitioner that his sentence be reduced to the period already undergone by him carries substantial weight. Thus, taking into consideration the judgment of Hon'ble Delhi High Court in ***Joginder Lal Versus State 1998(3) RCR (Criminal) 192*** as well as judgment of this Court in ***Yadwinder Singh Versus State of Punjab 2009(3) RCR (Criminal) 245***, I am of the considered opinion that the ends of justice would be met if the conviction of the petitioner is affirmed, however, sentence of the imprisonment is reduced to the period already undergone by him.

Accordingly, while upholding the impugned judgment of conviction passed by the trial Court and affirmed by the appellate Court, the present revision petition is dismissed with a modification in the impugned

order of sentence to the effect that the sentence awarded to the petitioner is reduced to the period already undergone by him. The petitioner-accused be released from custody, if not required in any other case.

December 24, 2015
Yag Dutt

(HARI PAL VERMA)
JUDGE