

CRR-704-2015

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

CRR-704-2015 (O & M)

Date of Decision: 31.03.2015

Ram Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Mani Ram Verma, Advocate,
for the petitioner.

Mr. Anil Mehta, DAG, Haryana.

Paramjeet Singh, J. (Oral)

Custody certificate of the petitioner filed in Court is taken on record.

Present criminal revision has been preferred by the petitioner against judgment dated 05.02.2015 passed by the learned Additional Sessions Judge, Rohtak, whereby an appeal preferred by the petitioner has been dismissed and the judgment of conviction and order of sentence dated 26.02.2011 passed by the learned Sub Divisional Judicial Magistrate, Meham, whereby petitioner has been sentenced as under:

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<i>Sr. No.</i>	<i>Section</i>	<i>Sentence and Fine</i>
1	279 IPC	Rigorous imprisonment for a period of three months and fine of ₹ 500/-.
2	337 IPC	Rigorous imprisonment for a period of three months and fine of ₹ 500/-.

In default of payment of fine, the petitioner has been sentenced to further undergo rigorous imprisonment for three months.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioner seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the petitioner states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioner be suitably reduced as this criminal trial is hanging on his head like damocle's sword for more than nine years and it should be a sufficient mitigating circumstance to treat him leniently. Counsel for the petitioner has further submitted that the FIR pertains to the year 2006 and since then a period of more than nine years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further contends that the petitioner has already undergone the sentence for one month and twenty five days.

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In view of the arguments advanced by learned counsel for the petitioner, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the petitioner behind the bars further as the petitioner faced ordeal for more than nine years. It is a fit case wherein sentence awarded to the petitioner can be reduced to already undergone. Ordered accordingly. The impugned judgments of conviction and orders of sentence and, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine is not deposited, the petitioner will serve the remaining part of sentence.

With the observations made above, present revision petition is disposed of with a direction that the petitioner be released immediately, if not required in any other case.

31.03.2015
parveen kumar

(Paramjeet Singh)
Judge