

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

(1) CRA-S-1267-SB of 2012(O&M)
Date of decision:11.5.2016

Suman @ Babu and anr.

...Appellants

Versus

State of Haryana

...Respondent

(2) CRA-S-1910-SB of 2012(O&M)

Mohd. Dholu @ Salim and ors.

...Appellants

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE GURMIT RAM

Present: Ms. Tanu Bedi, Advocate &
Mr. Shivam Grover, Advocate
for the applicants/appellants in
CRA-S-1267-SB of 2012.

Mr.G.S. Sandhu, Advocate
for the applicants/appellants in
CRA-S-1910-SB of 2012.

Mr. Pawan Jhanda, AAG, Haryana.

GURMIT RAM, J.

**CRM-50763 of 2013 &
CRM-15407 of 2016 in
CRA-S-1267-SB of 2012 &
CRM-2290 of 2013 in
CRA-S-1910-SB of 2012**

1. Above-noted CRM-50763 of 2013 has been filed by the

applicant/appellant No.1 – Suman @ Babu and CRM-15407 of 2016 has been filed by the applicant/appellant No.2 – Holli @ Auli in CRA-S-1267-SB of 2012 u/S 427 read with Section 482 of the Cr.P.C. with the prayer that sentences awarded to them in criminal case bearing FIR No.179 dated 30.6.2008 u/Ss 395, 216 and 120-B of the IPC, Police Station City, Sonapat and sentences awarded to them in the present case i.e. in criminal case bearing FIR No.181 dated 5.7.2008 u/Ss 395/397/342/412/216/120-B of the Indian Penal Code (for short – 'IPC'), Police Station City, Sonapat be ordered to be run concurrently.

CRM-2290 of 2013 with the same prayer has been filed by the applicants/appellants namely Mohd. Dholu alias Salim and two others in CRA-S-1910-SB of 2012.

Since the purpose of all these criminal miscellaneous is the same, these are to be taken up together for their disposal.

2. No reply to these criminal miscellaneous applications was filed.
3. Learned State counsel has contended that he has no objection if the sentences awarded to the present applicants/appellants in both the aforementioned criminal cases i.e. FIR No.179 dated 30.6.2008 and FIR No.181 dated 5.7.2008 (the present case) are ordered to be run concurrently.
4. So, accordingly, all these criminal miscellaneous applications stand accepted and disposed of accordingly. The sentences awarded to the applicants/appellants in both the above-noted criminal cases are ordered to be run concurrently.

CRA-S-1267-SB of 2012 &
CRA-S-1910-SB of 2012

5. The above noted CRA-S-1267-SB of 2012 has been preferred by appellants – herein (accused) - Suman @ Babu and another whereas above noted CRA-S-1910-SB of 2012 has been preferred by appellants – herein

(accused) - Mohd. Dholu @ Salim and others against the judgment dated 10.3.2012 and order of sentence dated 12.3.2012 passed by the Court of learned Additional Sessions Judge (Fast Track Court), Sonapat in criminal case bearing FIR No.181 dated 5.7.2008 u/Ss 395/397/342/412/216/120-B of the Indian Penal Code (for short – 'IPC'), Police Station City, Sonapat vide which they were held guilty for the offences punishable u/Ss 395/397/342/412 of the IPC, whereas accused Mintu was also further convicted u/S 25 of the Arms Act and awarded with sentences as detailed below:

Names of convicts	Under Section	Sentence
(i) Mohammad Dholu @ Salim; (ii) Suman @ Babu; (iii) Sayeed Ali @ Nepali; (iv) Mintu; and (v) Holli @ Auli	395, IPC	All the convicts were sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.2,000/- each and in default of payment of fine, each of them to further undergo imprisonment for a period of six months.
-do-	397, IPC	All the convicts were sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.2,000/- each and in default of payment of fine, each of them to further undergo imprisonment for a period of six months.
-do-	342, IPC	All the convicts were sentenced to undergo rigorous imprisonment for a period of one year.
-do-	412, IPC	All the convicts were sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.2,000/- each and in default of payment of fine, each of them to further undergo imprisonment for a period of six months.

Names of convicts	Under Section	Sentence
Mintu	25 of Arms Act	Convict was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- and in default of payment of fine, the convict to further undergo imprisonment for a period of three months.

All the sentences were ordered to be run concurrently.

6. As per the record, the appellants – herein (accused) were tried by the Court of learned Additional Sessions Judge (Fast Track Court), Sonapat for the offences punishable u/Ss 395, 397, 342, 412 of the IPC and 25 of the Arms Act. After the trial, they were held guilty for the offences punishable u/Ss 395, 397, 342, 412 of the IPC and appellant-herein (accused) – Mintu was further held guilty for the offence punishable under Section 25 of the Arms Act and awarded the sentences thereunder as above mentioned in para No.5 of this judgment.

7. Feeling aggrieved from the impugned judgment of conviction and order of sentence, the appellants – herein (accused) have approached this Court by way of instant appeals, notices of which were given to the respondent – State. Record of the learned trial Court was also requisitioned.

8. Learned counsel for both the parties were heard and record was also perused and analysed with their able assistance.

9. Since CRM-50763 of 2013 & CRM-15407 of 2016 in CRA-S-1267-SB of 2012 & CRM-2290 of 2013 in CRA-S-1910-SB of 2012 filed by the applicants/appellants have been accepted, so as a result thereof, the appellants have already undergone the period of the substantive sentences of imprisonments imposed upon them in the case in hand also i.e. FIR No.181 dated 5.7.2008 u/Ss 395/397/342/412/216/120-B of the IPC, Police Station City,

Sonepat. Learned counsel for the appellants has contended that ends of justice in this case will meet if these appeals be disposed of as having been rendered infructuous for the reasons above- mentioned.

After adjusting the sentences of imprisonment imposed upon them in case of non-payment of fine, the appellants, who are in custody, are ordered to be released forthwith, if they are not required in any other case.

Hence the appeals stand dismissed as having been rendered infructuous and disposed of accordingly.

Since the main appeals have been disposed of, the miscellaneous application, if any, also stands automatically disposed of having been rendered infructuous.

A copy of this order be sent to the quarter concerned for its strict compliance.

(GURMIT RAM)
JUDGE

11.5.2016
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1. Whether to be referred to the Reporters or not? Yes
2. Whether the judgment should be reported in the Digest? Yes