

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-1851-SB of 2011(O&M)
Date of decision:11.5.2016

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 appellants.

Mr. Pawan Jhanda, AAG, Haryana.

GURMIT RAM, J.

The above noted appeal is preferred by above-said appellants Mohd. Dholu @ Salim and others against the impugned judgment and order of sentence dated 25.5.2011 passed by the Court of learned Additional Sessions Judge, Sonapat in criminal case bearing FIR No.179 dated 30.6.2008 u/Ss 395, 216 and 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 and 412 of the IPC and awarded the sentences as detailed below:

Under Section 395, IPC	All the convicts were sentenced to undergo rigorous imprisonment for a period of six years and to pay a fine of Rs.5,000/- each and in default of payment of fine, each of them to further undergo rigorous imprisonment for a period of six months.
Under Section 412, IPC	All the convicts were sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/- each and in default of payment of fine, each of them to further undergo rigorous imprisonment for a period of four months.

Both the sentences were ordered to be run concurrently.

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

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

4. As per the record, the appellants – herein (accused) were tried by the Court of learned Additional Sessions Judge, Sonapat for the offences punishable u/Ss 395, 397 and 412 of the IPC. After the trial, they were held guilty for the offences punishable u/Ss 395 and 412 of the IPC vide the impugned judgment and awarded the sentences thereunder as above mentioned in para No.1 of this judgment, whereas acquitted them for the offence punishable u/S 397 of the IPC.

5. At the time of arguments, learned State counsel produced the custody certificates in respect of all the appellants – herein (accused) mentioning the period of imprisonment already undergone by them which were taken on record. As per the custody certificates, the appellants have already undergone the entire sentences awarded to them in this case, but they were detained for the reason of their conviction in another criminal case bearing FIR No.181 dated 5.7.2008, u/Ss 395/397/412/342/216/120-B, IPC, Police Station City, Sonapat.

6. Learned counsel for the appellants has contended that ends of justice in this case will meet if this appeal be disposed of as having been

rendered infructuous since the appellants – herein (accused) have already undergone the entire sentence imposed upon them in this case.

7. So, accordingly, this appeal stands dismissed as having been rendered infructuous and disposed of. Appellants, who are in custody, are ordered to be released forthwith, if they are not required in any other case.

Since the main appeal has 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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