

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

CRM No. 28656 of 2016 in/ and
CRA-S No. 4461-SB of 2013 (O&M)
Date of decision: 7.10.2016

Makhan

.. Appellant

vs

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Ms. Maninderpreet Kaur, Advocate, for the appellant.
Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

Challenge in the present appeal is to the judgment of the learned Court below vide which the appellant has been convicted under Section 307 IPC and has been sentenced to undergo rigorous imprisonment for a period of six years and to pay a fine of ₹ 50,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of one year. The judgment is dated 12.9.2013. Ever since then, the appellant is in custody.

Learned counsel for the appellant submitted that she does not wish to press the present appeal as far as the conviction of the appellant is concerned. However, the fact that out of six years imprisonment awarded to him, he has already undergone 5 years, 9 months and 17 days of imprisonment including the remissions, the sentence awarded to him may be reduced to the period already undergone. He never claimed any parole.

On the other hand, learned counsel for the State submitted that considering the heinous crime committed by the appellant, he does not deserve any concession in sentence. He further submitted that even the fine has not been paid by the appellant, on failure of which, he has to undergo additional one year rigorous imprisonment.

After hearing learned counsel for the parties and considering the contention raised by learned counsel for the appellant where his conviction has not been challenged, while upholding the same, sentence awarded to the appellant is reduced to the period already undergone as against six years rigorous imprisonment awarded by the learned Court below. The sentence of fine is upheld. The appellant is directed to be released on deposit of fine.

The appeal stands disposed of.

7.10.2016
vs

(Rajesh Bindal)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No