

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

Crl. Revision 2778 of 2008
Date of Decision : May 12, 2016

Mohit Kumar and another

.....Petitioners

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Jainainder Saini, Advocate

Mr. Dhruv Dayal, Deputy A.G., Haryana

T.P.S. MANN, J. (Oral)

The petitioners, namely, Anil Kumar and Mohit were tried for committing the offences punishable under Section 356 read with Section 34 IPC on the allegations that on 12.8.2006 at about 8.00 a.m., they snatched the ear rings of complainant Ram Piari widow of Takam Ram while she was returning from the temple and had reached near the house of Peer Chand. Vide judgment and order dated 19/20.12.2007, learned Chief Judicial Magistrate, Hisar convicted them for the aforementioned offences and sentenced them to undergo rigorous imprisonment for a period of one year each.

Aggrieved of their conviction and sentence, the petitioners preferred an appeal but remained unsuccessful as the same came to be dismissed by learned Additional Sessions

Judge, Hisar vide judgment dated 22.10.2008. Still not satisfied, the petitioners preferred the present revision which came to be admitted on 22.12.2008 and subsequently on 19.1.2009 they were granted the benefit of suspension of their sentences of imprisonment.

It may be worthwhile to notice here that Mohit petitioner has already served the entire sentence of imprisonment imposed upon him. This has been so indicated in the custody certificate produced by the learned State counsel. To be precise, he remained in jail for an actual period of ten months and twenty five days and also earned remissions of one month and five days and, accordingly, on 31.7.2009, he was released from the jail.

Learned counsel for the petitioners submits that as petitioner Mohit has already served the entire period of sentence imposed upon him, the revision filed by him is rendered infructuous. He has, however, stated that Anil Kumar petitioner is facing the agony of criminal prosecution for the last about ten years. He is the sole bread winner of his family. He finds it difficult to make his both ends meet. It is also submitted that he is not involved in any other case. Further, he has undergone a period of about 4½ months behind the bars and, therefore, his remaining sentence of imprisonment be set-aside.

Learned State counsel has vehemently opposed the

prayer made on behalf of Anil Kumar by submitting that the sentence awarded to him is commensurate with the crime committed i.e. of snatching the ear rings of complainant Ram Piari. Learned State counsel has, however, produced the custody certificate in respect of Anil Kumar petitioner, wherein it is mentioned that he has already undergone an actual sentence of four months and thirteen days. He is also not shown to be involved or convicted in any other case.

Having heard learned counsel for the parties, this Court is of the view that no useful purpose will be served by sending Anil Kumar petitioner behind the bars, once again, for undergoing the remaining sentence of imprisonment imposed upon him. Ends of justice would be suitably met if his sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the revision qua Mohit petitioner is disposed of as having become infructuous. The conviction of Anil Kumar petitioner under Section 356 read with Section 34 IPC is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The revision filed by him is, accordingly, disposed of.

May 12, 2016
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(T.P.S. MANN)
JUDGE