

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision 287 of 2008

Date of Decision : August 2, 2016

Rajesh

.....Petitioner

Versus

State of Haryana

..... Respondent

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

Present : Mr. Bhupeshwar Jaswal, Advocate for
Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Additional A.G., Haryana.

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

The petitioner and his mother were booked as accused in FIR No.66 dated 25.3.2004 under Sections 302, 392, 449, 34 IPC registered at Police Station Sector 31, Faridabad. After the petitioner was declared a juvenile, the trial/enquiry was conducted by the Principal Magistrate, Juvenile Justice Board, Gurgaon, for committing offences under Sections 302, 392 and 449/34 IPC. Vide judgment and order dated 18.11.2005, learned Principal Magistrate, Juvenile Justice Board, Gurgaon convicted him for the aforementioned offences and ordered that he be kept in Observation Home, Sonapat, till he attained the age of eighteen years, i.e. till 14.6.2009.

Aggrieved of his conviction and sentence, the

petitioner preferred an appeal but the same came to be dismissed by learned Additional Sessions Judge (I), Faridabad vide judgment dated 22.8.2007. Still not satisfied, he preferred the present revision, which came to be admitted by this Court on 1.4.2008 and currently, he is on bail.

The case of the prosecution, in nutshell, is that on 24.3.2004, when complainant Aman Jain returned home from his duty, he found that his house was locked. He searched for his mother but could not find her. Later on, with the help of his neighbour Tinu and the watchman, he broke open the lock of his house and found that the dead body of his mother Prem Lata was lying near the bed and there was a wire tied around her neck. He removed the wire from the neck of his mother and took her to Sarvodya Hospital, where she was declared dead. Accordingly, on the basis of statement made by the complainant, FIR No.66 dated 25.3.2004 under Sections 302, 392, 449 and 34 IPC came to be registered at Police Station Sector 31, Faridabad.

During the investigation of the case, it surfaced that the murder of the complainant's mother was committed by the petitioner and his mother Rekha. Both of them were, accordingly, arrested. The regular trial proceeded against the mother of the petitioner and vide judgment dated 28.8.2006, the trial Court acquitted her of the charges against her. Qua the

petitioner, enquiry as envisaged by the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 was initiated, which culminated in his conviction and sentence, as mentioned above.

Learned counsel for the petitioner submits that he does not challenge the conviction of the petitioner for the various offences. He, however, submits that the petitioner has already remained in the Observation Home for a period of four years before he was granted the concession of bail by this Court vide order dated 1.4.2008. He is facing the agony of criminal prosecution for the last more than twelve years. He is a poor person and required to look after his parents. His father is handicapped and requires assistance of the petitioner for his daily routines. Prayer has, accordingly, been made for setting aside the remaining sentence of the petitioner.

Learned State counsel has vehemently opposed the prayer by submitting that the petitioner, alongwith his mother, while committing robbery in the house of the complainant had murdered his mother Prem Lata by strangulating her neck and inflicting knife blows. He, however, could not dispute the fact that pursuant to the order passed by this Court on 1.4.2008, the petitioner is on bail and before being released on bail, he had already spent a period of about four years in the Observation

Home.

Having heard learned counsel for the parties and on going through the orders passed by the Courts below while imposing the punishment upon the petitioner, this Court is of the view that no useful purpose will be served by sending the petitioner to the Observation Home, once again. Ends of justice shall be suitably met, if the sentence imposed upon him is reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner for the various offences, as recorded by the Courts below, is upheld. However, his sentence of being kept in Observation Home till he attains the age of eighteen years, is reduced to the one already undergone by him.

The revision is, accordingly, disposed of.

August 2, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No