

**240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-2817 of 2012(O&M)
Date of Decision:21.07.2016****Sat Pal Singh alias Kaka****.....Petitioner****versus****State of Haryana****....Respondent****CORAM : HON'BLE MR. JUSTICE AJAY TEWARI***********Present: Mr.Rajesh Malik, Advocate for the petitioner.****Mr.Amrik Narwal, DAG, Haryana.**********

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

*********AJAY TEWARI, J. (Oral)**

This revision has been filed against the conviction of the petitioner for the commission of offence under Sections 323, 324 and 326 IPC. He was sentenced by the trial Court as follows:-

Under Section	Sentence awarded	In default
323 IPC	RI for one year	-
324 IPC	RI for one year	-
326 IPC	One year with fine of Rs.500/-	SI for three months

All the sentences were ordered to run concurrently.

On an appeal preferred by the petitioner against his conviction the Appellate Court acquitted him under Section 324 IPC and reduced the sentence under the remaining two Sections as follows:-

Under Section	Sentence awarded	In default
323 IPC	RI for six months	-
326 IPC	RI for 10 months with fine of Rs. 500/-which remained intact	-

Both the sentences were ordered to run concurrently.

Custody certificate by way of affidavit of Raj Kumar, Superintendent Jail, District Jail, Kaithal has been filed and the same is taken on record. Copy supplied to learned counsel for the applicant-appellant.

Learned counsel for the petitioner has argued that he does not dispute this revision on merits but prays that some leniency be shown in the sentence since the petitioner has already undergone imprisonment for a period of two months out of total sentence of 10 months. He has further argued that the complainant has since died and his wife is living at her in-laws' place and no dispute has arisen after the grant of bail to the present petitioner. He has further argued that the petitioner is not a previous convict and is facing these criminal proceedings for the last 13 years which itself is enough punishment for the offence committed by him. Learned DAG has argued that keeping in view the antecedents of the petitioner and the fact that he is not a habitual offender, he has no objection if some leniency is shown in sentence.

Keeping in view the above arguments of learned counsel and the circumstances of the case, I am of the opinion that ends of justice would meet if the sentence of the petitioner is reduced to that period which he has already undergone. Ordered accordingly.

Petition stands disposed of.

Since the main case has been decided, the Criminal Misc.

Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

July 21, 2016
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