

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

(1) CRR No.3864 of 2015 (O&M).
Decided on:-22.03.2016.

Sunil.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

(2) CRR No.3866 of 2015 (O&M).

Devender alias Pillu.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

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

Present:- Mr. Karan Singh, Advocate
for the petitioner in CRR No.3864 of 2015.

Mr. Ashok Arora, Advocate
for the petitioner in CRR No.3866 of 2015.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.

This order shall dispose of the aforementioned two criminal revision petitions as the same have arisen from a common FIR No.53 dated

6.2.2012 under Sections 363 and 366-A read with Section 34 IPC registered at Police Station Meham, District Rohtak. Moreover, both the petitions have been filed against common judgment dated 1.9.2015 passed by learned Sessions Judge, Rohtak whereby appeals filed by the petitioners against enquiry dated 26.8.2014 and order of sentence dated 28.8.2014 passed by the Juvenile Justice Board, Rohtak (for short, the Board) was dismissed.

Vide enquiry dated 26.8.2014, the Board held the petitioners guilty for the offence under Section 363 IPC and vide separate order on quantum of sentence dated 28.8.2014, the petitioners were sent to Special home for a period of one year, as both of them were juvenile at the time of commission of crime.

Against the enquiry dated 26.8.2014 and order dated 28.8.2014 passed by the Board, both the petitioners preferred two separate appeals, but the same were also dismissed vide common judgment dated 1.9.2015 passed by learned Sessions Judge, Rohtak. It is in these circumstances, the petitioners have filed the present revision petitions.

Learned counsel for the petitioners contend that so far as petitioner Devender alias Pillu is concerned, against the awarded sentence of one year, he is in actual custody for about 11 months and 26 days. Thus, he has virtually completed his sentence, whereas petitioner Sunil is in actual custody for about 7 months and 17 days.

Learned counsel for the petitioners further contend that at this

stage, taking into consideration custody of the petitioners, they would be satisfied if the sentence awarded to them may be reduced to the period already undergone by them. Thus, learned counsel for the petitioners have not addressed their arguments on merits and confined their arguments only qua the quantum of sentence.

Learned State counsel has filed custody certificate of petitioner Sunil in the Court, which is taken on record. Custody certificate of petitioner Devender alias Pillu is already on record.

Heard.

Perusal of the custody certificates shows that as against the awarded sentence of one year, petitioner Devender alias Pillu has undergone actual custody for 11 months and 26 days whereas petitioner Sunil has undergone actual custody for 7 months and 17 days.

In view of these circumstances, while placing reliance on the judgment of this Court in *Sanjay alias Kala Versus State of Haryana 2011(2) RCR (Criminal) 899* wherein, this Court set aside the remaining sentence of accused, since he could neither be sent to remand home nor to jail, as well as taking into considerate the age and the nature of offence, while maintaining conviction of the petitioners, the present petition is dismissed with modification in the order of sentence that their sentence is reduced to the period already undergone by them. Accordingly, both the petitioners be released forthwith, if not required in any other case.

Photocopy of this order be placed on the file of other connected case.

March 22, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE