

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4851 of 2015 (O&M)

Date of Decision: March 14, 2016

Mahipal @ Malha

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Ravinder Malik, Advocate
for the petitioner.Mr.Brijesh Sharma, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Mahipal @ Malha against State of Haryana, challenging the impugned judgment of conviction dated 28.05.2014 and order of sentence dated 30.05.2014 passed by learned Principal Magistrate Juvenile Justice Board, Rohtak, vide which the petitioner was sent to Special Home for a period of one year and also challenging the judgment dated 13.07.2015 passed by learned Sessions Judge, Rohtak, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts before regarding conviction and contended only on the point of reduction of sentence. Notice of motion was issued only qua quantum of sentence.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that in the present case petitioner Mahipal @ Malha and co-accused Ram Bhagat were tried by the Principal Magistrate Juvenile Justice Board and present petitioner Mahipal @ Malha was convicted under Section 412 IPC for receiving property-gas (cylinders) knowingly which was taken away by dacoity and five gas cylinders were also recovered from him. The Juvenile Justice Board passed the order that petitioner be sent to Special Home for a period of one year and it is ordered that period during which the juvenile remained in protective custody, shall be set off from the period of sentence. The petitioner has already spent 8 months and 4 days in the Special Home.

Keeping in view the facts and circumstances of the present case and in view of the fact that the petitioner is suffering from the long protracted criminal proceedings since 2010 and he has already spent more than 8 months in the Special Home, therefore, the period spent by the petitioner in Special Home is reduced to the period already spent by him. Petitioner Mahipal @ Malha, who is in Special Home, be released forthwith, if he is not required in any other case, subject to payment of fine, if already not paid.

Resultantly, present revision petition stands partly accepted.

March 14, 2016
Vgulati

(INDERJIT SINGH)
JUDGE