

Criminal Appeal No.S-1405-SB of 2004
Criminal Appeal No.S-1491-SB of 2004
Criminal Appeal No.S-1498-SB of 2004

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Appeal No.S-1405-SB of 2004
Date of Decision: October 07, 2017

RAM TIRATH

..... APPELLANT

VERSUS

STATE OF HARYANA

..... RESPONDENT

2.

Criminal Appeal No.S-1491-SB of 2004

RAMPHAL

..... APPELLANT

VERSUS

STATE OF HARYANA

..... RESPONDENT

3.

Criminal Appeal No.S-1498-SB of 2004

DALBIR @ BHOLU AND OTHERS

..... APPELLANTS

VERSUS

STATE OF HARYANA

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Ms. Mayuri Lakhanpal Ledia, Advocate, for the appellant(s).

Mr. Charanjit Singh Bakshi, Additional Advocate General,
Haryana.

. . . .

Jaspal Singh, J.

This judgment shall dispose of three appeals bearing Criminal
Appeal No.S-1405-SB of 2004, Criminal Appeal No.S-1491-SB of 2004 and

Criminal Appeal No.S-1405-SB of 2004
Criminal Appeal No.S-1491-SB of 2004
Criminal Appeal No.S-1498-SB of 2004

Criminal Appeal No.S-1498-SB of 2004 as similar question of facts and law is involved in the appeals.

2. The instant appeals have been preferred by Ram Tirath, Ramphal, Dalbir @ Bholu, Pawan @ Monu and Ajay @ Vicky challenging judgment of conviction dated July 14, 2004 and order of sentence dated July 16, 2004, passed by the Additional Sessions Judge, Sonapat in case bearing FIR No.57, dated March 09, 2003, under Sections 399/402 IPC and Section 25 of the Arms Act, registered at Police Station Sonapat. Vide judgment of conviction dated July 14, 2004 and order of sentence dated July 16, 2004, they were convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Ram Tirath, Ramphal, Dalbir @ Bholu, Pawan @ Monu Ajay @ Vicky	399 IPC	3 ½ years each	500 each	03 months each
	402 IPC	3 ½ years each	500 each	03 months each
Ram Tirath, Dalbir @ Bholu, Pawan @ Monu Ajay @ Vicky	25 of Arms Act	01 year each	500 each	01 month each

Aggrieved from the judgment passed by the trial court, appellant(s) filed these appeals.

3. At the very outset of arguments, learned counsel for the appellant (s) submits that they do not press the appeal qua conviction, however, the appellants be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment

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(s) as far as the conviction of the appellant(s) under the aforesaid provisions of IPC is concerned. As such, the conviction of the appellant(s) is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that appellant(s) is/are facing the agony of protracted trial for more than 14 years & 7 months after registration of the instant case; are poor persons and are only bread earners of their respective families. Moreover, appellants-Ram Tirath, Ramphal, Dalbir @ Bholu, Pawan @ Monu and Ajay @ Vicky had already suffered incarceration for a period of 01 year 06 Months & 01 days; 01 year 05 months & 19 days; 01 year 05 months & 20 days; 01 year 11 months & 17 days and 02 years 01 months & 07 days, respectively as is evident from custody certificates dated September 22, 2017. Thus, this court is of the considered view that a chance be given to the appellant(s) to reform & improve themselves; to become good responsible citizens/persons.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the appellant(s) is upheld but the sentence imposed upon them by the trial court is reduced to the period already undergone by them, with no change in fine clause.

6. With the above modification in sentence, appeals stand dismissed.

October 07, 2016
avin/ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No