

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: - 1.9.2017

(1) CRA-S-1749-SB-2017 (O&M)

Ravi @ Sanata

.....Petitioner.

versus

State of Haryana

.....Respondent.

(2) CRA-S-1780-SB-2017 (O&M)

Ravi @ Sanata

.....Petitioner.

versus

State of Haryana

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN.

Present: - Mr. Ram Darshan Yadav, Advocate for the petitioner.

Mr. Naveen Kaushik, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

CRM-14676-2017 in CRA-S-1749-SB-2017 and

CRM-14992-2017 in CRA-S-1780-2017

These are the applications under Section 5 of the Limitation Act for condonation of delay i.e. CRM-14676-2017 for condonation of delay of 1729 days and CRM-14992-2017 for condonation of delay of 1593 days in filing the aforesaid appeals.

Notice of the applications.

Mr. Naveen Kaushik, Addl. AG, Haryana present in Court accepts notice in both the applications.

It is submitted on behalf of appellant that appellant is in judicial lockup and is a poor person. He could not engage a counsel to file the appeals before this Court and on account of the same, the aforesaid delay has occurred.

For the reasons mentioned in the applications, delay of 1769 and delay of 1593 days in filing the appeals is condoned.

CRA-S-1749-SB-2017 and CRA-S-1780-SB-2017

This order shall dispose of above mentioned two criminal appeals bearing CRA-S-1749-SB-2017 and CRA-S-1780-SB-2017. For brevity, the facts are being taken from CRA-S-1749-SB-2017.

Learned counsel for the appellant, at the very outset, restricts his arguments in the main appeal(s) only to the extent that sentence awarded to the appellant- Ravi @ Sanata in FIR No. 113 dated 11.9.2011 under Sections 307, 427 IPC and 25/54/59 of the Arms Act, vide order dated 31.5.2012 i.e. 5 years rigorous imprisonment along with a fine of ₹ 2000/- under Section 307 read with Section 34 IPC as well as in FIR No. 114 dated 11.9.2011, under Sections 392/34 IPC and under Section 25 of the Arms Act, registered at Police Station Sadar Rewari vide order dated 16/18.10.2012, i.e. 7 years rigorous imprisonment along with a fine of ₹ 1,000/- under Section 397 IPC and Section 25 of the Arms Act, be ordered to run concurrently.

Learned counsel for the appellant submits that he does not want to challenge the findings recorded by the trial Court qua the judgment of conviction as well as order of sentence except that the sentence awarded in both the cases be directed to run concurrently.

Learned counsel for the appellant has further referred to a judgment passed in CRA-S-2589-SB-2012, Sandeep @ Leelu vs. State of Haryana; CRA-S-03520-SB-2012, Sandeep @ Leelu @ Shamsher @ Karam Dass vs. State of Haryana and CRA-S-1141-SB-2012, Sandeep @ Shamsher @ Lilu @ Karamdass and another vs. State of Haryana vide which, the Court while deciding the appeal(s), passed the following orders: -

“9. In the present case, as per custody certificate dated 03.11.2016, placed on record by learned State counsel, the applicant/appellant-Sandeep @ Shamsher @ Lilu @ Karamdass has already undergone total sentence of 6 years and 01 day, out of the maximum sentence of 7 years in FIR No. 117 dated 11.09.2011 (Sessions Case No. 43 of 2011). He is undergoing Psychiatric treatment in PGMIS, Rohtak as is discernible from the medical report dated 04.10.2016 of the Medical Officer, District Jail, Jhajjar. He had not availed any parole/furlough during the custody period. From the perusal of record, it reveals that both the appellants were involved in multiple offences. If the maximum sentences awarded to applicant/appellant-Sandeep @ Shamsher @ Lilu @ Karamdass in all the three FIRs i.e. (i) rigorous imprisonment for a period of 5 years (in FIR No. 113 dated 11.09.2011, CRA-S-2589-SB-2012); (ii) rigorous imprisonment for a period of 7 years (in FIR No. 114 dated 11.09.2011, CRA-S-3520-SB- 2012) and (iii) rigorous imprisonment for 7 years (in FIR No. 117 dated 11.09.2011, CRA-S-1141-SB-2012) are not made concurrent, he has to undergo the total sentence of 19 years which would be a very long period. Thus, it would be appropriate to make the sentences of applicant/appellant-Sandeep @ Shamsher @ Lilu @ Karamdass to run concurrently, more particularly, when he is suffering from mental ailment as per medical report dated 04.10.2016. However, it is made clear that

applicant/appellant-Sandeep @ Shamsher @ Lilu @ Karamdass, has to undergo minimum imprisonment for a period 7 years and that would sub-serve the interest of justice. By applying the parameters laid down by the Full Bench of this Court in Jang Singh's case (supra), the aforesaid sentences awarded to the applicant/appellant-Sandeep @ Shamsher @ Lilu @ Karamdass, are ordered to run concurrently.”

Learned State counsel has filed the custody certificate of the appellant dated 1.9.2017. The same is taken on record. Learned State counsel does not dispute the submissions made on behalf of appellant.

After considering the submissions made by learned counsel for the appellant, both the appeals are dismissed, qua the findings recorded by the trial Court, convicting the appellant- Ravi @ Sanata and sentencing him to undergo rigorous imprisonment. However, it is ordered that the sentence awarded to the appellant -Ravi @ Sanata in FIR No. 113 dated 11.9.2011 under Sections 307, 427 IPC and 25/54/59 of the Arms Act, vide order dated 31.5.2012 i.e. 5 years rigorous imprisonment along with a fine of ₹ 2000/- under Section 307 read with Section 34 IPC as well as in FIR No. 114 dated 11.9.2011, under Sections 392/34 IPC and under Section 25 of the Arms Act, registered at Police Station Sadar Rewari vide order dated 16/18.10.2012, i.e. 7 years rigorous imprisonment along with a fine of ₹ 1,000/- under Section 397 IPC and Section 25 of the Arms Act, registered at Police Station Sadar, Rewari shall run concurrently.

Disposed of as above.

(ARVIND SINGH SANGWAN)
JUDGE

1.9.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No