

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

Crl. Appeal S-4033-SB of 2014
Date of Decision : April 07, 2017

Manjeet Ali

.....Appellant

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Manoj Kumar Tanwar, Advocate with
Mr. Sandeep Lather, Advocate
as legal aid counsel
for the appellant.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

T.P.S. MANN, J. (Oral)

Convict-Manjeet Ali has filed the present appeal for challenging the judgment and order dated 30/31.7.2014 passed by learned Additional Sessions Judge, Rohtak whereby he stood convicted and sentenced as follows:-

- i) Rigorous imprisonment for a period of six months and to pay a fine of Rs. 500/- under Section 279 IPC and in default of payment of fine, to undergo simple imprisonment for a period of one month;
- ii) Rigorous imprisonment for a period of one month and to pay a fine of Rs. 100/- under Section 336 IPC and in default of payment of fine, to undergo simple imprisonment for a period of ten days;
- iii) Rigorous imprisonment for a period of seven

years and to pay a fine of Rs. 2,000/- under Section 307 IPC and in default of payment of fine, to undergo simple imprisonment for a period of four months;

- iv) Rigorous imprisonment for a period of one year and to pay a fine of Rs. 500/- under Section 332 IPC and in default of payment of fine, to undergo simple imprisonment for a period of one month;
- v) Rigorous imprisonment for a period of one year and to pay a fine of Rs. 500/- under Section 353 IPC and in default of payment of fine, to undergo simple imprisonment for a period of one month;
- vi) Rigorous imprisonment for a period of three months and to pay a fine of Rs. 200/- under Section 186 IPC and in default of payment of fine, to undergo simple imprisonment for a period of fifteen days;
- vii) Rigorous imprisonment for a period of three years and to pay a fine of Rs. 1,000/- under Section 411 IPC and in default of payment of fine, to undergo simple imprisonment for a period of two months; and
- viii) Rigorous imprisonment for a period of six months and to pay a fine of Rs. 500/- under Section 427 IPC and in default of payment of fine, to undergo simple imprisonment for a period of one month.

All the substantive sentences were ordered to run

concurrently. Benefit available under Section 428 Cr.P.C. was also extended to him.

Against his conviction and sentence, the convict filed the present appeal which was admitted on 30.9.2014. He moved the Court for suspension of his sentence of imprisonment but remained unsuccessful. Presently, he is confined in District Jail, Faridabad and undergoing the sentence of imprisonment imposed upon him.

According to the prosecution, on 11.1.2012, a VT message was received from Control Room, Rohtak at Police Station, Meham that a 2/2½ years' old girl had been kidnapped by some unknown persons from Janta Colony, Rohtak and they had proceeded towards Hisar Road, Rohtak in a car. On receiving this information, SI Ram Kishan, Station House Officer, Police Station Meham alongwith his fellow officials, proceeded towards village Madina side on Hisar Road, Rohtak in official vehicle after informing the MHC to arrange for placing barricades at Balhamba-Titri turn. When the police party reached in the vicinity of village Madina, a young person was seen driving the car and on the left front seat of the same, a young child was found sitting. After seeing the police officials, the young person abruptly turned his car towards Meham side. The police party followed him in the official vehicle. In spite of the signal giving by the police officials present at the barricade, the unknown person did not stop the car

and with an intention to kill the police officials, drove the car in a rash and negligent manner towards them. The car struck against the barricade and also the official vehicle of SI Ram Kishan, who sustained injuries on his right hand. The unknown person also struck his car in the divider of the road. He was, thereafter, overpowered and when asked, disclosed his name to be Manjeet Ali son of Rasul Khan, resident of Mauranipur, Uttar Pradesh. In the car driven by the assailant, a girl child aged about 2/2½ years was found sitting. Ruqa was, thereafter, sent to Police Station Meham where on its basis FIR No. 13 dated 11.1.2012 was registered.

Upon completion of the investigation and presentation of the challan, the appellant was charged for committing the offences punishable under Sections 279, 336, 307, 332, 353, 186, 411 and 427 IPC to which he pleaded not guilty and claimed trial.

In support of its case, the prosecution examined sixteen witnesses.

When examined under Section 313 Cr.P.C., the appellant denied the incriminating material brought on the record by the prosecution and stated that he had been falsely implicated. In his defence, he, however, did not lead any evidence.

After hearing learned counsel for the parties and on going through the record, the trial Court convicted and sentenced

the appellant, as mentioned above.

After hearing learned counsel for the parties and on going through the evidence with their able assistance, this Court finds that Shilpy, mother of 2/2½ years' old girl, who had been kidnapped by the appellant, while stepping into the witness box as PW13, testified that the appellant used to come to her house to collect the articles for the sanitary and paint shop and on the date of occurrence i.e. 11.1.2012 when she had gone to fetch milk, he came to her house and kidnapped her child. He took her in the car. Her testimony is duly corroborated by PW16 Constable Parmod Kumar, who deposed that the appellant was seen coming in a car in which the young girl was sitting. PW15 ASI Dharmpal, who was also accompanying SI Ram Kishan, testified that the police party had chased the vehicle of the appellant and he had tried to run over the vehicle of the police officials. Even the barricades were set up in order to stop the appellant from taking the young girl away. However, it was the appellant, who while driving the car in a rash and negligent manner and in order to commit the murder of police officials, hit the barricades and the official vehicle of the police party. He also hit the car in the divider of the road. As a result, SI Ram Kishan had also received injuries. The appellant was apprehended and the young girl was rescued.

In view of the above, no case is made out for any

interference in the conviction of the appellant, as recorded by the learned trial Court.

Coming to the question of sentence, it may be noticed that the appellant is facing the agony of criminal prosecution for the last more than five years. As per the custody certificate dated 16.3.2017 already brought on record by the learned State counsel, the appellant had undergone an actual period of five years, one month and twenty eight days out of the sentence of seven years imposed upon him besides earning remissions of two months and seventeen days.

Taking into consideration the totality of the circumstances, this Court is of the view that the substantive sentence of imprisonment of the appellant can be reduced to the one already undergone by him.

Resultantly, the conviction of the appellant for the offences under Sections 279, 336, 307, 332, 353, 186, 411 and 427 IPC is upheld and his substantive sentence of imprisonment is reduced to the one already undergone by him. The sentences of fine alongwith their default clauses are maintained.

The appeal is, accordingly, disposed of.

April 07, 2017
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned.
Whether Reportable.

: Yes/No
: Yes/No