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

1. CRA-S-436-SB-2014
Date of Decision : July 20, 2017

Gagan Sharma Appellant

Versus

State of Punjab Respondent

2. CRA-S-779-SB-2014

Bablu Appellant

Versus

State of Punjab Respondent

3. CRA-S-991-SB-2014

Johny Sharma Appellant

Versus

State of Punjab Respondent

4. CRA-S-2045-SB-2014

Sikander alias Deepu and another Appellants

Versus

State of Punjab Respondent

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CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. G.S.Verma, Advocate,
for appellants in CRA-S-436-SB-2014; CRA-S-779-SB-2014
and CRA-S-991-SB-2014.

Mr. S.S.Tiwana, Advocate,
for appellants in CRA-S-2045-SB-2014.

Mr. Rahul Rathore, DAG, Punjab,
for the respondent State.

SHEKHER DHAWAN, J.

Present four appeals are directed against the common judgment of conviction and order of sentence dated 19.12.2013 passed by learned Additional Sessions Judge, Ludhiana, whereby all the accused-appellants were convicted and sentenced as under :-

Under Section	Sentence	In default
396 IPC	to undergo Rigorous Imprisonment for a period of Ten years and to pay a fine of `10,000/- each.	to undergo Simple Imprisonment for a period of One year each.

2. Facts relevant for the purpose of decision of present three appeals; that Shakti Pal son of Kashmiri Lal, complainant of this case, recorded his statement to the effect that for the last ¾ years, Mukesh Kumar alias Bobby, who is son of his massi-in-law was residing with him and was working in PNG Company, Model Town Ludhiana. His marriage was fixed for 2.11.2007. Mukesh Kumar went to his village on 7.10.2007 and was to return on 9.10.2007. However, he did not return and they waited for him for the whole of

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the night of 9.10.2007. Next morning, at about 8.00 A.M., he received an information that a dead-body was lying at a vacant plot Mohalla New Deep Nagar, near Walia Dairy, Haibowal Kalan, Ludhiana. Shakti Pal immediately went to the spot and recognized the dead body to be of Mukesh Kumar. The dead body was having marks of beating on his private parts as well as marks of weapon blow on other parts of body of Mukesh Kumar. Accordingly, information was sent to the police and on the basis of his statement, FIR No. 166 was registered on 10.10.2007 under Sections 302/397 IPC at Police Station, Haibowal, Ludhiana.

3. After completion of investigation, challan was presented in the Court for trial.

4. During trial, learned Court below completed various proceedings of trial including framing of charge against the accused, recording of statement of the witnesses and examination of accused under Section 313 Cr.P.C. After considering the prosecution evidence and the defence version on record, learned trial Judge held the appellants guilty and convicted them for commission of offence punishable under Section 396 IPC and sentenced them vide order dated 19.12.2013.

5. Aggrieved of passing of judgment of conviction and order of sentence, the appellants are before this Court by way of present appeals.

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6. At the time of arguments, learned counsel for the appellants contended Learned counsel for the appellant contended that they do not challenge the judgment of conviction of the appellants. However, learned counsel representing the appellants mainly contended that the appellants have already suffered much agony of law by facing protracted litigation of more than 10 years and by now, they have already undergone substantial period of sentence.

7. Learned State counsel while confirming the period of sentence undergone by appellants contended there is no ground for reduction of sentence.

8. Having considered the submissions made by learned counsel for parties and after going through the record, there is no ground to interfere in the impugned judgment of conviction. Learned trial Judge has rightly held the accused-appellants guilty for commission of offence punishable under Section 396 IPC and all the appeals against the judgment of conviction stand dismissed.

9. As regard to order of sentence, there is substance in the contention of learned counsel for the appellants and this Court is of the considered view that the sentence awarded to the appellants needs to be reduced from 10 years under Section 396 IPC. So ordered. Resultantly, the sentence awarded to the appellants is reduced from 10 years to 7 years under Section 396 IPC with no change in default stipulation.

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10. The appeals qua order of sentence are partly allowed in the above terms. Learned trial Judge is directed to comply with this order forthwith under intimation to this Court.

(SHEKHER DHAWAN)
JUDGE

July 20, 2017
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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes