

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

CRR No. 2578 of 2011 (O&M)

Date of decision: 10.03.2017.

Malkiyat alias Chhota and another Petitioners.

Versus

State of Haryana Respondent.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: None for the petitioners.

Mr. S.S. Pannu, Deputy Advocate General, Haryana,
for the respondent.

S.S. SARON, J.

The petitioners - Malkiyat alias Chhota and Himmat alias Fouji were sent up for trial in case FIR No.210 dated 30.05.2010 registered at Police Station Sampla, District Rohtak, for the offences punishable under Sections 302, 449, 120-B of the Indian Penal Code ('IPC' - for short); besides, Section 25 of the Arms Act, 1959.

During the course of trial, the petitioners filed an application (Annexure P1) for declaring them as juvenile. The said application was dismissed by the learned Additional Sessions Judge, Rohtak, on 27.07.2011. Aggrieved against the same, they filed the present revision petition on 18.10.2011. Adjournments were taken by the learned counsel for the petitioners from time to time. The learned Single Judge before whom the petition was pending on 08.04.2013 observed that even on the previous date of hearing, i.e. 28.02.2013, none had appeared on behalf of the petitioners.

The revision petition was ordered to adjourn *sine die* and the Registry was directed to send a copy of the order to the petitioners.

The petitioners have since been acquitted by the learned Additional Sessions Judge, Rohtak, on 08.11.2013. From amongst the accused, three of the accused, namely, Mandeep son of Ram Phal, Ashok son of Ved Pal and Sandeep alias Bhola son of Rohtas, were convicted for the offences punishable under Sections 302 and 449 read with Section 34 IPC. Sandeep and Mandeep were also held guilty and convicted for the offence under Section 25 of the Arms Act. The said three accused have been sentenced to undergo life imprisonment; besides, pay a fine of Rs.10,000/- each and in default of payment thereof, undergo further rigorous imprisonment for six months for the offence under Section 302 read with Section 34 IPC. They were also sentenced to undergo rigorous imprisonment for ten years; besides, pay a fine of Rs.10,000/- each and in default of payment thereof, undergo further rigorous imprisonment for six months for the offence under Section 449 read with Section 34 IPC. Sandeep and Mandeep were further sentenced to undergo rigorous imprisonment for three years; besides, pay a fine of Rs.5,000/- and in default of payment thereof, undergo further rigorous imprisonment for three months for the offence under Section 25 of the Arms Act.

Ashok has filed criminal appeal, i.e. CRA-D No. 44-DB of 2014, while Mandeep has filed criminal appeal, i.e. CRA-D No. 243-DB of 2014 and Sandeep alias Bhola has filed criminal appeal, i.e. CRA-D No.570-DB of 2014. The said appeals are pending in this Court. The present revision petition has been listed before a Division Bench in view of the said

appeals, which are to be listed before a Division Bench. No appeal is shown to have been filed against acquittal of the petitioners - Malkiyat alias Chhota and Himmat alias Fouji by the learned Additional Sessions Judge, Rohtak.

Keeping in view the fact that the petitioners have been acquitted, the present revision petition has rendered infructuous. It is probably for the said reason that no one is appearing for the petitioners.

In the circumstances, the revision petition is dismissed as having been rendered infructuous.

(S.S. SARON)
JUDGE

(DARSHAN SINGH)
JUDGE

10.03.2017
Ramesh

Note:

1.	Whether reasoned/speaking	:	Yes
2.	Whether reportable	:	No