

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

CRL. REV. No.2742 OF 2016 (O&M)
DATE OF DECISION : 8th MARCH, 2017

Raman

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. G. S. Salwara, Deputy Advocate General, Haryana.

* * * *

A. B. CHAUDHARI, J.

CRM-23748 of 2016

For reasons mentioned in the application, the same is allowed and delay of 70 days in filing the above revision petition is condoned.

CRL. REV. No.2742 OF 2016 (O&M)

By the present petition the petitioner has put to challenge the judgment and order dated 08.11.2013/11.11.2013 passed by the Principal Magistrate, Juvenile Justice Board, Ambala and the judgment and order dated 23.02.2016 passed by the learned Sessions Judge, Ambala convicting the petitioner for offence under Section 302 IPC and sentenced him to undergo custody in special home for three years.

Learned counsel for the petitioner submitted that the petitioner has almost undergone the sentence of one and half year and

therefore, the order allowing him to undergo the sentence which he has already undergone in place of three years be set aside and modified.

I have gone through the judgment and order recorded by the learned Sessions Court finding the petitioner guilty of the serious offence of murder. Since he was found to be juvenile and therefore tried accordingly, he was sentenced to undergo RI for three years. It is not in dispute that the petitioner was found to be juvenile by the competent Court and therefore was sent for trial as a juvenile. The Juvenile Court then recorded the reasons and convicted him for offences under Section 302 IPC. But then, since he was found to be juvenile, the sentence awarded to him was with leniency under Section 15(1)(a) to (f) of the Juvenile Justice (Care and Protection of Children) Act, 2000 and was ordered to be sentenced for three years.

Upon perusal of the order made by the Principal Magistrate, Juvenile Justice Board, Ambala and the appellate Court in Criminal Appeal No.5, CIS Case No.3 of 2014 decided on 23.02.2016, I find that both the judgments on facts and evidence are correct and proper.

Insofar as the reduction of the sentence under Section 3 as prayed by the learned counsel for the petitioner, is concerned, I find that not a single mitigating circumstance exists on record for reducing the sentence. The learned counsel for the petitioner to support his contention has cited the two judgments of Supreme Court namely ***Dharambir Versus State (NCT Delhi) & anr. 2010 (5) SCC 344 & Kalu @ Amit Versus State of Haryana, 2012(4) RCR (Criminal) 6*** and three judgments of this Court namely ***Rajesh Kumar Versus State of Haryana, 2011 (1) RCR (Criminal) 830; Sanjay alias Kala Versus State of***

Haryana, 2011(2) RCR (Criminal) 899 & Surinder Versus State of Haryana, 2013 (4) RCR (Criminal) 73.

However, in my opinion, looking to the nature of offence of murder and manner in which the petitioner was found to have committed the murder as discussed by the trial Court as well as by the appellate Court, the sentence itself is only three years which can not be reduced.

In the result, I find no merit in the present petition and the same is therefore, dismissed.

8th MARCH, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No