

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

CRR No.1115 of 2017 (O&M)

Date of decision: 07.07.2017

Kamaljit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. J.S.Saneta, Advocate, for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

This is a revision petition against the judgment and order dated 18.09.2014/20.09.2014 in Criminal Case No.RBT 1110, passed by the Judicial Magistrate Ist Class, Faridabad by which the petitioner was convicted for offence punishable under Section 354 of the Indian Penal Code, 1860 (for short 'IPC') and sentenced to undergo simple imprisonment of 06 months and to pay fine of Rs.2000/- and against the judgment dated 07.03.2017 in Criminal Appeal No.RBT 61 of 07.06.2016, passed by the Additional Sessions Judge, Faridabad vide which the above said order of conviction passed by the JMJC, Faridabad was confirmed.

At the very outset, learned counsel for the petitioner submits that the petitioner has already undergone 04 months imprisonment out of 06 months of actual sentence as awarded by the learned trial Court. He further submits that there is no offence against

the petitioner nor the petitioner has any criminal antecedents.

Learned Law Officer while placing on record the custody certificate also admits that the petitioner has undergone 04 months of imprisonment.

Keeping in view the fact that that the petitioner does not have any criminal antecedents, it will serve no purpose in asking the petitioner to serve out the remaining sentence when he has already undergone sentence of 04 months. In that view of the matter, following order is passed:-

ORDER

- (i) Rule is made absolute;
- (ii) CRR No.1115 of 2017 is partly allowed;
- (iii) The impugned judgments and orders passed by both the courts below regarding conviction of the petitioner for offence punishable under Sections 354 of IPC are confirmed;
- (iv) The impugned judgments and orders of both the courts below regarding sentence are set aside and modified to one which petitioner has already undergone, subject to payment of fine, if not already deposited;
- (v) Petitioner be released forthwith, if not required in any other case.

07.07.2017
Neeraj/ Vimal

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/ reasoned: Yes
Whether Reportable: No