

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

CRR No. 2501 of 2017

DATE OF DECISION :- December 05, 2017

Balram alias Choti

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. B.K. Bagri, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

F.I.R. No. 216 dated 26.8.2014 for offence under Section 174-A of the Indian Penal Code was registered against accused Balram alias Choti son of Ramphal, resident of village Khijuri, Tehsil Bawal, District Rewari with Police Station Bawal on the allegations that he had been declared as proclaimed offender in terms of Section 82 Cr.P.C. on 23.4.2014 by Additional Sessions Judge, Rewari, as he was deliberately avoiding appearance in the Court and was keeping away to avoid arrest and he had been declared as proclaimed offender in case No. 195 dated 13.10.2012. He was arrested in this case.

After completion of investigation and other formalities challan against the accused was prepared and filed in the Court of Judicial Magistrate Ist Class, Rewari.

On presentation of Challan, copies of documents were supplied

to the accused free of cost as provided under Section 207 Cr.P.C.

Charge for offence under Section 174-A of the Indian Penal Code was framed against the accused, to which he pleaded not guilty.

During the course of prosecution evidence prosecution examined HC Arun Kumar as PW1 and Sudhir Kumar-record keeper, District Court as PW2. With that the evidence of prosecution stood closed.

Statement of accused was recorded under Section 313 Cr.P.C. in which he pleaded innocence. He did not lead any evidence in defence. After hearing arguments, learned Judicial Magistrate Ist Class, Rewari vide judgment dated 14.10.2015 convicted him for offence under Section 174-A (ii) of the Indian Penal Code and vide order dated 16.10.2015, he was sentenced to undergo rigorous imprisonment for a period of 1 year and 7 months besides paying a fine of Rs.1000/-. He had deposited the amount of fine.

Feeling dissatisfied with such judgment of conviction and order of sentence he had preferred an appeal in the Court of Sessions, which was, however, dismissed by Sessions Judge, Rewari vide judgment dated 31.5.2017. Therefore, he has approached this Court by way of filing Revision Petition, notice of which was given to the State.

State counsel has filed custody certificate in terms of which he has undergone 1 year 2 months and 22 days of total sentence including remission as on 4.12.2017.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

At the very outset, learned counsel for the petitioner has

contended that he does not challenge the impugned judgment on the point of conviction but has got submissions to make as regards the sentence part. He has contended that petitioner, who is aged about 30 years is married and his family is dependent upon him for financial support, his father and grand parents have already expired and he is a poor person, therefore, leniency be shown to him.

The petitioner has already undergone 1 year 2 months and 22 days out of total sentence of 1 year 7 months of rigorous imprisonment. Though he is shown to be involved in some other criminal cases also but as far as this case is concerned, ends of justice shall be adequately met if petitioner is sentenced to imprisonment already undergone by him. With such modification, the Criminal Revision Petition is allowed. Petitioner Balram @ Choti is stated to be in jail in this case. So he is ordered to be released immediately, if his custody is not required in connection with any other case.

(H.S. MADAAN)
JUDGE

December 05, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No