

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1973-SB-2003
Decided on: 01.12.2018

Rajender Appellant

Versus

State of Haryana Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Subhash Godara, Legal Aid Counsel
for the appellant.

Mr. Ayuwan Singh, AAG, Haryana.

MANJARI NEHRU KAUL, J.

Accused-appellant Rajender was tried by learned Additional Sessions Judge, Gurgaon, who vide impugned judgment dated 29.09.2003 convicted him for offences under Sections 332, 333 and 353 of Indian Penal Code (in short 'IPC') and vide order dated 30.09.2003, sentenced him as follows:-

Under Sections 332 and 353 IPC :	To undergo rigorous imprisonment for a period of 1 year.
Under Section : 333 IPC	To undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.3,000/- or in default of payment of fine, to undergo further rigorous imprisonment for a period of 6 months.

All the sentences were ordered to run concurrently.

Thereafter, the accused-convict has preferred an appeal in this Court which was admitted vide order dated 23.10.2003.

Learned counsel for the appellant has submitted that in view of the findings of fact recorded by the learned trial Court, he would not press the instant appeal on merits and would restrict his prayer qua the sentence only. He has submitted that the occurrence pertains to the year 2003 and the appellant has thus suffered the agony of trial for more than 15 years. According to him, the appellant is a poor person and during the pendency of the trial, he has been fastened with many liabilities.

Learned counsel for the appellant has also submitted that in the last 15 years, he has not committed any other offence and is leading the life of a disciplined and peace loving citizen. Therefore, no useful purpose would be served by sending the appellant behind bars.

As per the custody certificate filed by the State counsel, the appellant has already undergone total sentence of 4 months and 17 days, out of substantive sentence of 3 years awarded to him. He is not shown to be involved in any other criminal case.

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

Keeping in view the facts and circumstances of the case and the submissions made by the learned counsel for appellant, I am of the view that ends of justice shall be adequately met if while maintaining the conviction of the accused-appellant, his substantive sentence of 3 years imprisonment is reduced to the sentence undergone by him in this case. However, the fine imposed upon the appellant is enhanced from ₹3,000/- to ₹6,000/- which shall be deposited by him within three months from the date of receipt of certified copy of this order. It is further made clear that in case of non-deposit of fine, benefit of reduction shall not accrue to the appellant.

With these modifications, the present appeal is disposed of.

A copy of this order be sent to the trial Court for information and necessary compliance.

01.12.2018

Dinesh

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No