

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-2884-2009 (O&M)

Date of decision: 03.08.2018

Suresh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Ramender Chauhan, Advocate for the petitioner.

Mr. Vikramjit Singh, Addl. A.G., Haryana.

RAMENDRA JAIN, J. (ORAL)

The instant revision has been preferred by the petitioner against judgment dated 14.10.2009, of learned Additional Sessions Judge-III, Bhiwani, affirming the judgment of conviction and order of sentence dated 31.01.2007 of learned Judicial Magistrate Ist Class, Bhiwani, whereby he was held guilty under Sections 353, 186, 332 and 506 IPC.

In nutshell, petitioner was booked and tried in case FIR No. 230 dated 21.12.1998 under Sections 332, 353, 186, 506 and 216 IPC, Police Station Civil Lines, Bhiwani and convicted under Sections 353, 186, 332 and 506 IPC. The maximum sentence awarded to him is to undergo rigorous imprisonment for a period of one year under Sections 332 and 506 IPC.

Learned counsel for the petitioner submits that he does not challenge the impugned judgments qua conviction of the petitioner on

merits. On quantum of sentence, learned counsel prayed for taking a lenient

view urging that the petitioner has already suffered a long protracted trial for about 19 years.

As per custody certificate dated 02.08.2018 filed by learned State counsel today, which is taken on record, petitioner–Suresh Kumar, had already undergone a total sentence of 3 months and 16 days (including remissions), out of the maximum sentence of 1 year awarded to him.

Accordingly, the impugned judgments of conviction passed by the Courts below are upheld. The revision, to this extent, is dismissed. However, considering the custody period of the petitioner, order of sentence dated 31.01.2007 is modified to the extent that the sentence awarded to the petitioner is reduced to the period already undergone.

Present revision petition is disposed of as such.

August 03, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**